



भारत का राजपत्र

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No. 34)

NEW DELHI, SATURDAY, AUGUST 23, 1986/BHADRA 1, 1908

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह भाग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—पार्ट 3—उप-पार्ट (ii)
PART II—Section 3—Sub-section (ii)

(राजा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सार्विधिक आदेश और अधिसूचनाएँ
Statutory Orders and Notifications issued by the Ministries of the Government of India (other than
the Ministry of Defence).

विधि और स्थायी मंत्रालय
(विधि कार्य विभाग)

नई दिल्ली, 28 जूनाई, 1986

सूचना

का. ना. 2905 :—नोटरीज नियम, 1956 के नियम 6 के मन्त्रसंरण
में सभी प्राधिकारी द्वारा यह सूचना दी जाती है कि भी राजत-कुमार
घोष, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के प्रतीक
एक प्रावेदन इस बात के लिए दिया है कि उसे कलकत्ता व्यवसाय करने
के लिए नोटरी के रूप में नियुक्त किया जाए।

2. उक्त व्यक्ति की नोटरी के रूप में नियुक्ति पर किसी भी प्रकार
का आवेदन इस सूचना के प्रकाशन के बाबत विन के भीतर सिद्धित रूप में
मेरे पास भेजा जाए।

[सं. 5 (53)/86-स्था.]

आर. एन. पोद्दार, संसद विभिन्नारी

MINISTRY OF LAW AND JUSTICE
(Department of Legal Affairs)

New Delhi, the 28th July, 1986

NOTICE

S.O. 2905.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Rajat Kumar Ghose, Advocate for appointment as a Notary to practise in Calcutta.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(53)/86-JudII]
R. N. PODDAR, Competent Authority

(Legislative Department)

New Delhi, the 7th August, 1986

CORRIGENDUM

S.O. 2906.—In the last line of the preamble of the Ministry of Law and Justice, Legislative Department's Notification No. S.O. 340(E), dated the 4th June, 1986, published in the Gazette of India, Extraordinary, Part-II, section 3, sub-section (ii), dated the 4th June, 1986,—

for the words and figures, "Conduct of Election Rules, 1981" read, "Conduct of Election Rules, 1961".

[No. F. 7(4)/86-Leg. II]
H. C. SUMAN, Under Secy.

विधि मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 3 जूनाई, 1986

(स्थाय-कर)

का. ना. 2907—स्थाय-कर प्रधिनियम, 1961 (1961 का 43) की
धारा 10 के खंड (23ग) के उपखंड (V) द्वारा प्रदत्त शक्तियों का

प्रोत करते हुए, केन्द्रीय सरकार एवं द्वारा उक धारा के प्रयोजनार्थ, "इदारा दावातुल कुरान बम्बई" को कर-निधारण वर्ष 1984-85 से 1986-87 तक के अंतर्गत इन वाली अवधि के लिए अधिसूचित करती है।

[सं. 6789/का सं. 197/15/86-प्राका (नि.-1)]

MINISTRY OF FINANCE
(Department of Revenue)
New Delhi, the 3rd July, 1986
(INCOME-TAX)

S.O. 2907.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Idara Dawatul Quran, Bombay" for the purpose of the said section for the period covered by the assessment years 1984-85 to 1986-87.

[No. 6789/F. No. 197/15/86-IT(AI)]

नई दिल्ली, ६ जुलाई, 1986

आयकर

का. आ. 2908 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23C) के उपखण्ड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एवं द्वारा, उक धारा के प्रयोजनार्थ, "ग्रीन पार्क फी चर्च, नई दिल्ली" को कर-निधारण वर्ष 1986-87 से 1988-89 के अन्तर्गत इन वाली अवधि के लिए अधिसूचित करती है।

[सं. 6790 (सं. सं. 197/2/83-प्रा.का. (नि.-1)]
को है त्रिपाठी, उप-सचिव

New Delhi, the 8th July, 1986
(INCOME-TAX)

S.O. 2908.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Green Park Free Church, New Delhi" for the purpose of the said section for the assessment years 1986-87 to 1988-89.

[No. 6790/F. No. 197/2/83-IT(AI)]
K. K. TRIPATHI, Dy. Secy.

(आयकर कार्य विभाग)
(बैंकिंग प्रभाग)

नई दिल्ली, 5 अगस्त, 1986

का. आ. 2909.—बैंकारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय रिजर्व बैंक की सिफारिश पर केन्द्रीय सरकार एवं द्वारा यह घोषणा करती है कि बैंकारी विनियमन (सहकारी समितियों) नियमावली, 1966 के नियम 10 के साथ पठित बैंकारी विनियमन अधिनियम, 1949 (जैसा कि सहकारी समितियों पर लागू है) की धारा 31 के उपबंध उस सीमा तक समाप्त सहकारी बैंक सिमिटेंड, बंबई पर लागू नहीं होंगे जहां तक उनका संबंध दिनांक 30 जून, 1985 को समाप्त वर्ष के लिए उसके तुलन-पत्र और लाभ-हानि लेखे तथा उस पर लेखा परीक्षकों की रिपोर्ट के सामाचार पत्र में प्रकाशित होने से है।

[संख्या 8-2/86-ए. सी.]

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 5th August, 1986

S.O. 2909.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act,

1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 31 of the Banking Regulation Act, 1949 (As applicable to Co-operative Societies) read with Rule 10 of the Banking Regulation (Co-operative Societies) Rules 1966, shall not apply to the progressive Co-operative Bank Ltd., Bombay so far as they relate to the publication of its balance sheet and profit and loss account for the year ended 30 June, 1985 together with the auditor's report in a newspaper

[No. 8-2/86-AC]

का. आ. 2910.—बैंकारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय रिजर्व बैंक की सिफारिश पर केन्द्रीय सरकार एवं द्वारा यह घोषणा करती है कि बैंकारी विनियमन (सहकारी समितियों) नियमावली, 1966 के नियम 10 के साथ पठित बैंकारी विनियमन अधिनियम, 1949 (जैसा कि सहकारी समितियों पर लागू है) की धारा 31 के उपबंध उस सीमा तक समाप्त सहकारी बैंक सिमिटेंड, बंबई पर लागू नहीं होंगे जहां तक उनका संबंध दिनांक 30 जून, 1985 को समाप्त वर्ष के लिए उसके तुलन-पत्र और लाभ-हानि लेखे तथा उस पर लेखा परीक्षकों की रिपोर्ट के सामाचार पत्र में प्रकाशित होने से है।

[संख्या 8-2/86-ए. सी.]

के. पी. पाण्डियन, अवर सचिव

S.O. 2910.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 31 of the Banking Regulation Act, 1949 (As applicable to Co-operative Societies) read with Rule 10 of the Banking Regulation (Co-operative Societies) Rules, 1966 shall not apply to the Samanya Sahakari Bank Ltd. Bombay so far as they relate to the publication of its balance sheet and profit and loss account for the year ended 30 June, 1985 together with the auditor's report in a newspaper.

[No. 8-2/86-AC]

K. P. PANDIAN, Under Secy.

आयकर प्रत्यक्ष कर बोर्ड

नई दिल्ली, 25 जून, 1986

(आयकर)

का. आ. 2911.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय प्रत्यक्ष कर बोर्ड एवं द्वारा गिरेया देता है कि नीचे दी गई अनुसूची के सम्म (2) में विनिर्वाट रेंजों के अधीनीय ग्राम्यक आयकर अधिकृत स्तरम् 3 की सस्तंवधी प्रविधि में विनिर्वाट आयकर परिमण्डलों, वार्डों और जिलों में आयकर अधिकारी द्वारा अधिनियमित उन सभी शक्तियों और आय के संबंध में मध्यने कार्य का निर्देश है :

अनुसूची

क्र.सं.	रेंज	आयकर परिमण्डल/वार्ड/जिला
1.	देहरादून रेंज, देहरादून	देहरादून, आयकर, सहारनपुर, हिन्दुद्वारा, रुड़की, एम. नगर और शामनी में स्थित सभी आयकर परिमण्डल।
2.	गाजियाबाद रेंज, गाजियाबाद	गाजियाबाद, हापुड़, बुलनदेशहर और मेरठ में स्थित सभी आयकर परिमण्डल।

यह कोई आयकर परिमण्डल/वार्ड अथवा जिसे अथवा उसका कोई भाग इस अधिसूचना द्वारा एक रेंज से किसी अन्य रेंज में अंतरित कर दिया जाता है, उम परिमण्डल/वार्ड अथवा जिसे अथवा उसके किसी भाग में किए गए करनिधिरांगों से उत्पन्न होने वाली अपीलें इस अधिसूचना की तारीख से तत्काल पूर्व रेंज के उस अपीलीय सहायक आयकर आयुक्त के समय विचाराधीन पड़ी अपीलें जिसके अधिकार-क्षेत्र से उम आयकर परिमण्डल, वार्ड अथवा जिसे अथवा उसके किसी भाग को अंतरित किया गया हो, रेंज के उम अपीलीय सहायक आयकर आयुक्त द्वारा निपटाई जाएंगी जिसको उम परिमण्डल/वार्ड अथवा जिसे अथवा उसका कोई भाग अंतरित किया गया है।

मह अधिसूचना 1-7-1986 से लागू होगी।

[म. 6774 (फाइल सं. 261/16/86-पार्ट. टी.जे.)]

CENTRAL BOARD OF DIRECT TAXES
New Delhi, the 25th June, 1986

(INCOME TAX)

S.O. 2911.—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act, 1961 (43 of 1961) and all other powers enabling it in that behalf and in supersession of all previous notifications in this regard, the Central Board of Direct Taxes hereby directs that the Appellate Asstt. Commissioners of Income-tax of the ranges specified in Col. 2 of the Schedule below shall perform their functions in respect of all persons and income assessed to income-tax or super-tax in the Income-tax Circles, Wards and Districts specified in the corresponding entry in Col. 3.

SCHEDULE

Sl. No.	Range	Income-tax Circle/Ward/District
1.	Dehradun Range, Dehradun.	All Income-tax Circles located at Dehradun, Rishikesh, Saharanpur, Haridwar, Roorkee, M. Nagar and Shamli.
2.	Ghaziabad Range, Ghaziabad.	All Income-tax Circle located at Ghaziabad, Hapur, Bulandshahar and Meerut.

Whereas an income-tax circle/ward or districts or part thereof stands transferred by this notification from one range to another range, appeals arising out of assessments made in the Income-tax Circles/Wards or Districts of this notification before the Appellate Asstt. Commissioner of Income-tax from whom that income-tax Circle, Ward, or districts or part thereof is transferred to and dealt with by the Appellate Assistant Commissioner of Income-tax of the range to whom the said circle/ward or districts or part thereof is transferred to.

This notification shall take effect from 1-7-1986.

[No. 6774 (F. No. 261/16/86-IIJ)]

का. आ. 2913.—आयकर अधिनियम, 1981 (1981 का 43) की घारा 122 की उपधारा (1) द्वारा प्रदत्त व्यक्तियों का प्रयोग करते हुए, और इस संबंध में जिनक 26-7-1985 की पूर्ववर्ती अधिसूचना सं. 6343 (फा. सं. 261/2/85-पा.क.न्या.) द्वारा दिनांक 16-10-1985 की अधि. सं. 6462 (फा. सं. 261/2/85-पा.क.न्या.) का अधिलेखन करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड, एतत्त्वारा, निदेश देता है कि इस अनुसूची के स्तम्भ (2) में विनिर्दिष्ट रेंजों के अपीलीय सहायक आयकर आयुक्त, आयकर से निर्धारित उन सभी व्यक्तियों और आय को छोड़कर, जिन पर देशाधिकार आयकर आयुक्त (इपीव) में निहित है, अनुसूची के स्तम्भ 3 की तत्संबंधी प्रविष्टि में विनिर्दिष्ट आयकर परिमण्डलों, वार्डों अथवा जिलों में आयकर से निर्धारित सभी व्यक्तियों तथा आय के संबंध में उपने कार्य करेंगे:—

अनुसूची

क्र. सं.	रेंज	आयकर परिमण्डल/वार्ड एवं जिला
1	2	3
1.	इलाहाबाद रेंज "क"	(1) क एवं ख वार्ड, एस.आई.सी. इलाहाबाद। (2) क, ख एवं ग वार्ड, इलाहाबाद परिमण्डल इलाहाबाद। (3) केन्द्रीय परिमण्डल, इलाहाबाद। (4) फतेहपुर एवं (5) प्रतापगढ़।
2.	इलाहाबाद रेंज "ख"	(1) घ, क एवं च. वार्ड, इलाहाबाद परिमण्डल, इलाहाबाद। (2) क एवं ख वार्ड, फैजाबाद। (3) मुलतानपुर।
3.	वाराणसी रेंज "क"	(1) क एवं ख वार्ड, एस.आई.सी. वाराणसी। (2) क, ख एवं ग वार्ड, वाराणसी परिमण्डल, वाराणसी। (3) क एवं ख वार्ड, मिहियुर। (4) केन्द्रीय परिमण्डल, वाराणसी।
4.	वाराणसी रेंज "ख"	(1) घ, छ, च, छ एवं ज वार्ड, वाराणसी। (2) गाजीपुर। (3) जौनपुर। (4) भादोही।
5.	गोरखपुर रेंज।	(1) क, घ, ग, अ, छ एवं अ वार्ड, गोरखपुर। (2) एस.आई.सी., गोरखपुर। (3) केन्द्रीय परिमण्डल, गोरखपुर। (4) देवरिया (5) बस्ती। (6) बहराइच। (7) गोंडा। (8) मउनाप ज़िला। (9) प्राज्ञमगढ़। (10) बरिया।

2. यह कोई आयकर परिमण्डल, वार्ड एवं जिला अथवा उसका कोई भाग इस अधिसूचना द्वारा एक रेंज से किसी अन्य रेंज में अंतरित कर दिया जाता है, उस आयकर परिमण्डल, वार्ड अथवा जिसे अथवा उसके किसी भाग में किए गए करनिधिरांगों से उत्पन्न होने वाली और इस अधिसूचना की तारीख से तत्काल पूर्व—रेंज के उस अपीलीय सहायक आयकर आयुक्त अधिकार-क्षेत्र से उस आयकर परिमण्डल, वार्ड अथवा जिसे अथवा उसका कोई भाग अंतरित किया गया हो, रेंज के उस अपीलीय सहायक आयकर आयुक्त द्वारा निपटायी जाएंगी जिसको उमत पारमण्डल, वार्ड अथवा जिला अथवा उसका कोई भाग अंतरित किया गया हो।

3. जहाँ किसी स्थान विशेष पर स्थित मुख्यालयों वाले सभी परिमण्डल, वार्ड और जिले एक अपीलीय सहायक आयुक्त की सौंप दिए गए हैं, वहाँ उसका उन मुख्यालयों में स्थित परिमण्डलों, वार्डों और जिलों के संबंध में भी देशाधिकार होगा, जिन्हें समाप्त कर दिया गया है।

4. यह अधिसूचना 1-7-1986 से लागू होगी।

[म. 6775 (फा. सं. 261/6/86-पा.क.न्या.)]

S.O. 2912.—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act, 1961 (43 of 1961) and in supersession of the previous Notification No. 6345 (F. No. 261[2]85-ITJ) dated 26-7-1985 and No. 6462 (F. No. 261[2]85-ITJ) dated 16-10-1985 in this regard, the Central Board of Direct Taxes hereby directs that the appellate Assistant Commissioners of the ranges specified in column 2 of this Schedule below shall perform their functions in respect of all persons and income assessed to income-tax in the Income-tax Circles, Wards or Districts specified in the corresponding entry in column 3 thereof excluding all persons and incomes assessed to income-tax over which the jurisdiction rests in Commissioners of Income-tax (Appeals).

SCHEDULE

S. Range No.	Income-tax Circle/Ward & District	
1	2	3
1. Allahabad Range 'A' Allahabad.	(i) A&B Wards, SIC, Allahabad. (ii) A, B&C Ward, Allahabad Circle, Allahabad. (iii) Central Circle, Allahabad. (iv) Fatehpur & (v) Pratapgarh.	
2. Allahabad Range 'B' Allahabad.	(i) D, E&F Wards, Allahabad Circle, Allahabad. (ii) A & B Wards, Faizabad. (iii) Sultanpur.	
3. Varanasi Range 'A'	(i) A&B Wards, SIC, Varanasi. (ii) A, B&C Wards, Varanasi Circle, Varanasi. (iii) A & B Wards, Mirzapur. (iv) Central Circle, Varanasi.	
4. Varanasi Range 'B' Varanasi	(i) D,E,F,G&H Wards, Varanasi ¹ . (ii) Ghazipur. (iii) Jaunpur (iv) Bhadohi.	
5. Gorakhpur Range.	(i) A,B,C,D, E & F Wards, Gorakhpur. (ii) S.I.C. Gorakhpur. (iii) Central Circle, Gorakhpur. (iv) Deoria. (v) Basti. (vi) Bahraich. (vii) Gonda. (viii) Maunath Bhanian. (ix) Azamgarh. (x) Ballia.	

2. Whereas an Income-tax Circle, Ward and District or part thereof stands transferred by this Notification from one range to another range, appeals arising out of assessment made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the Appellate Assistant Commissioner of Income-tax from that Income-tax Circle, Ward or District or part thereof is transferred shall from the date of this notification takes effect be transferred to and dealt with by the Appellate Assistant Commissioner of Income-tax of the range to which the said Circle, Ward or District or part thereof is transferred.

3. Where all circles, wards or Districts having headquarters at a particular place have been assigned to an Appellate Asst. Commissioner he will have jurisdiction in respect of Circles, Wards and Districts at these headquarters since abolished also.

4. This notification shall take effect from 1-7-1986.

[No. 6775(F. No. 261[6]86-ITJ)]

आयकर

का. आ. 2913.—आयकर अधिनियम, 1961 (1961 का 43) की बारा 122 की उपधारा (1) द्वारा प्रदत्त अधिकारों का तथा इस विषय में इसे सम्बन्धित वाली अन्य सभी अधिकारों का प्रयोग करते हुए और इस संरचना में कभी पूर्वसंस्था अधिसूचनाओं का अधिसूचन करते हुए केन्द्रीय प्रत्यक्ष कर

बोई एतत्वारा निवेश देता है कि अपीलीय सहायक आयकर आयुक्त, कोल्हापुर ; आयकर से निर्धारित सभी अधिकारों तथा आय के संबंध में सभी आयकर परिवर्णनों, वालों एवं जिलों में जिन पर अतिविकार आयकर आयुक्त, कोल्हापुर में निहित है, आर्य करेगा।

यह अधिसूचना 1-7-1986 से लागू होगी।

[स. 6777(फ. स. 261[7]86-आ. क. आ.)]
सुरेन्द्र पाल, आयकर सचिव

(INCOME-TAX)

S.O. 2913.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961) and all other powers enabling it in this behalf and in supersession of all previous notification in this regard, the Central Board of Direct Taxes hereby directs that the Appellate Assistant Commissioner of Income-tax, Kolhapur shall perform his functions in respect of all persons and incomes assessed to Income-tax in all the Income-tax Circles, Wards and District under the jurisdiction of the Commissioner of Income-tax, Kolhapur.

This notification shall take effect from 1-7-1986.

[No. 6777 (F. No. 261[7]86-ITJ)]

SURENDER PAUL, Under Secy.
कार्यालय समाहूर्ती केन्द्रीय उत्ताद शुल्क
हाईकोर्ट, 1 जुलाई, 1986
अधिसूचना संख्या 6/36

का. आ. 2914.—मध्यप्रदेश समाहूर्तीय इन्वीर से निम्नलिखित अधीकार केन्द्रीय उत्ताद शुल्क समूह 'ब' उनके नाम के आगे दर्शाई गई तिथियों को शासकीय सेवा से स्वच्छीक सेवा निवृत्त हुए।

क्र. सं. नाम	तिथि
1. श्री. आर. बेडेकर	30-6-86 (प्रपराह)
2. एम. टी. जनवाडे	30-6-86 (प्रपराह)

[पा. स. II (3) 2—गोप/86/3221]

CENTRAL EXCISE COLLECTORATE : M.P.
Indore, the 1st July, 1986

NOTIFICATION No. 6/86

S.O. 2914.—The following Superintendents of Central Excise Group 'B' of Central Excise Collectorate Indore have voluntarily retired from Government service on the dates as shown against each :

S. No.	Name of the Officer	Date
S/Shri		
1. V. R. Bedekar	30-6-86 (AN)	
2. M. T. Janawade	30-6-86 (AN)	

[C. No. II(3)2-Con/86/3221]

हाईकोर्ट, 1 अगस्त, 1986

अधिसूचना सं. 8/36

का. आ. 2915.—मध्यप्रदेश समाहूर्तीय इन्वीर के निम्नलिखित अधीकार केन्द्रीय उत्ताद शुल्क समूह 'ब' निवृत्ति को आयु प्राप्त करने पर उनके नाम के आगे दर्शाई गई तिथियों को शासकीय सेवा से सेवानिवृत्त हुए।

क्र. सं. नाम	तिथि
संघीय	
1. श्री. सी. सिंह	31-5-86 (प्रपराह)
2. एस. पी. शुक्ला	31-5-86 (प्रपराह)
3. पी. टी. थामस	31-5-86 (प्रपराह)
4. श्री. एम. हरीवास	30-6-86 (प्रपराह)
5. श्रेष्ठ शुक्ल	30-6-86 (प्रपराह)
6. क. पी. श्रीवास्तव	30-6-86 (प्रपराह)

[पा. स. II (3) 2—गोप/86/3947]

एस. श्री. रामहरण, समाहूर्ती

Indore, the 1st August, 1986

NOTIFICATION No. 8/86

S.O. 2915.—The following Superintendents of Central Excise Group 'B' of Central Excise Collectorate, Indore having

(2) उपनियम (2) के अधीन प्रत्येक सूचना लावान की प्रत्याखित तारीख से कम से कम सात दिन पहले दी जाएगी।

(3) उपनियम (2) के अधीन सूचना प्राप्त होने पर, अधिकरण नियम 3 ओर परियद द्वारा इस संबंध में समय-समय पर जारी किए गये दूसरों के अनुसार समक काचित पत्थर की पाइप और फिटिंग का नियंत्रण करेगा।

(4) नियंत्रण की समाप्ति के पश्चात् यदि अधिकरण का समाप्त हो जाता है कि नमस्कारित पत्थर की पाइप और फिटिंग का नियंत्रण किए जाने वाला परेषण नियम 3 की अपेक्षाओं के इनुल्प हैं तो वह उपनियम (2) के अधीन सूचना प्राप्त होने के सात दिन के भीतर परेषण की नियंत्रित योग्य घोषित करने हुए, नियंत्रित की प्रमाणपत्र पत्र जारी कर देगा;

परन्तु जहां अधिकरण का इस प्रकार समाधान नहीं होता है, वहां उक्त सात दिनों की अवधि के भीतर ऐसा प्रमाण-पत्र जारी करने से इकार कर देगा और ऐसे इकार की सूचना उसके कारणों सहित नियंत्रकर्ता को दे देगा।

5. नियंत्रण का स्थान: इन नियमों के अधीन प्रत्येक नियंत्रण या तो विनिर्माता के परिषद पर किया जाएगा या उस परिषद पर किया जाएगा जहां नियंत्रकर्ता द्वारा गाल प्रस्तुत किया जाता है परन्तु वह सब जब कि वहां पर नियंत्रण करने को पर्याप्त सुविधाएं विद्यमान हों।

6. नियंत्रण की विधि: प्रत्येक परेषण के लिए अनुसन्धान और उसके अधीन रखते हुए, ऐसे प्रत्येक परेषण के पौत्रपत्रिति: नियंत्रकर्ता के प्रत्येक एक सी रूपए के लिए जालीस दिये जाने की वर से फीस "नियंत्रण कीमत" के रूप में दी जाएगी।

7. अधीन:—(1) नियम 4 के उपनियम (4) के मध्येन अधिकरण द्वारा प्रमाण-पत्र देने से इनकार किए जाने से अधित कर्ता विधित कर्ता द्वारा इकार की सूचना प्राप्त होने के दस दिन के भीतर केन्द्रीय सरकार द्वारा, इस प्रयोजनार्थी नियुक्त कम से कम तीन तथा सात से अधिक अधिकारियों के विशेषज्ञों के पैनल को अपील कर सकेगा।

(2) पैनल के बुल सदस्यों में से कम से कम दो विशेषज्ञ सरकारी सदस्य होंगे।

(3) पैनल की गणपूर्ति तीन से होगी।

(4) अधीन प्राप्त होने के पश्चात् दिनों के भीतर निपटा दी जाएगी।

अनुसूची

1. नमूना लेने के तथा अनुरूपता के लिए मानदण्ड नियंत्रित संविदा में विशेष प्रत्यक्षियों को अनुसूचित होने पर, नमूना लेने ओर अनुरूपता के मानदण्ड सुनियंत्रित भारतीय मानक विनिर्देशों में घायल भा.मा. 651-1980 स्थायी भा.मा. 3006-1979 में यथा अधिकरित समय-समय पर मध्य संशोधित लागू होंगे।

2. परोक्षण की प्रणाली—यदि जाव की प्रक्रिया नियंत्रित संविदा में विनिर्दिष्ट न हो तो वह राष्ट्रीय मानक के अनुसार होगी।

[फार्म सं. 6(13)/80-ईआर्ए एजड ईपी]

MINISTRY OF COMMERCE

New Delhi, the 23rd August, 1986

ORDER

S.O. 2916.—Whereas in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government, after consulting the Council, is of opinion that it is necessary and expedient so to do for the development of the export trade of India that salt glazed stoneware pipes and fittings should be subject to inspection prior to export;

And whereas, the Central Government has formulated the proposals mentioned below for the said purpose and has forwarded the same to the Export Inspection Council as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule, the Central Government hereby publishes the said proposals with the direction that any objections or suggestions which any person may like to offer on the said proposals may be sent to the Council within forty-five days of the date of publication of this Order to the office of the Council at Export Inspection Council of India, 11th floor, Pragati Tower, 26, Rajendra Place, New Delhi-110008.

PROPOSALS

1. (1) To notify that salt glazed stoneware pipe and fittings shall be subject to inspection prior to export;

(2) To recognise:—

(a) National and International Standards and Standards of other bodies recognised by the Export Inspection Council;

(b) Contractual specifications between the foreign buyer and the exporter, provided the same are not below (a) above; as the standard specifications for salt glazed stoneware pipes and fittings.

Note.—The dimensions of the pipes which do not fall under (a) above, the same shall be as per contractual specifications with tolerances as given in the relevant national standards.

(3) To specify the type of inspection in accordance with Export of Salt-Glazed Stoneware Pipes and Fittings (Inspection) Rules, 1986, set out in Annexure-I to this Order, as the type of inspection which would be applied to such salt-glazed stoneware pipes and fittings;

(4) To prohibit the export in the course of international trade of such salt-glazed stoneware pipes and fittings unless the same is accompanied by a certificate, issued by any of the Export Inspection Agencies established under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) to the effect that the salt glazed stoneware pipes and fittings conform to the aforesaid standard specifications or is affixed with a seal or mark recognised by the Central Government under section 8 of the Act.

2. Nothing in this order shall apply to the export by land, sea or air of bona fide samples of salt-glazed stoneware pipes and fittings to the prospective buyers, provided the free on board (FOB) value of the consignment does not exceed rupees two hundred and fifty.

3. In this Order "Salt Glazed Stoneware Pipes and Fittings" shall mean both: (a) chemically resistant salt-glazed stoneware pipes and fittings, and (b) normal drainage purpose salt glazed stoneware pipes and fittings. The interior and the exterior surfaces of the pipes and fittings, which remain exposed after jointing shall be glazed. The portion which remains covered after jointing may or may not be glazed. The glazing shall be obtained by the action of the fumes and volatilized common salt on the material of the pipes and fittings during the process of burning.

ANNEXURE-I

[Draft rules proposed to be made under section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963).]

1. Short title.—These rules may be called the Export of Salt Glazed Stoneware Pipes and Fittings (Inspection) Rules, 1986.

2. Definitions.—In these rules unless the context otherwise requires,—

(a) "Act" means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963);

(b) "Agency" means the Export Inspection Agency established under section 7 of the Act;

(c) "Council" means Export Inspection Council established under section 3 of the Act.

(d) "Salt Glazed Stoneware Pipes and Fittings" shall mean both (a) Chemically resistant salt glazed stoneware pipes and fittings and (b) normal drainage purpose salt glazed stoneware pipes and fittings. The interior and the exterior surfaces of the pipes and fittings which remain exposed after jointing shall be glazed. The portions which remain covered after jointing may or may not be glazed. The glazing shall be obtained by the action of the fumes of volatized common salt on the material of the pipes and fitting during the process of burning.

(e) "Schedule" means the schedule appended to these rules.

3. Basis of Inspection.—Inspection of salt glazed stoneware pipes and fittings shall be carried out with a view to ensuring that the quality of the same conforms to the standard specifications recognised by the Central Government under section 6 of the Act.

4. Procedure of Inspection.—(1) The exporter intending to export salt glazed stoneware pipes and fittings shall give intimation in writing of his intention so to do to the concerned Agency and submit alongwith such intimation a copy of export contract or order to the nearest office of the Agency to enable it to carry out the inspection in accordance with rule 3.

(2) Every intimation under sub-rule (1) shall be given not less than seven days before the expected date of shipment.

(3) On receipt of the intimation under sub-rule (2), the Agency shall carry out the inspection in accordance with rule 3, and instructions issued by the Council from time to time.

(4) If after the inspection, the Agency is satisfied that the consignment of salt glazed stoneware pipes and fittings to be exported complies with the requirements of rule 3, it shall within seven days of the receipt of the intimation under sub-rule (2) issue a certificate to the exporter declaring the consignment as exportworthy :

Provided that where the Agency is not so satisfied, it shall within the said period of seven days refuse to issue such certificate and communicate such refusal to the exporter alongwith the reasons therefor.

5. Place of Inspection.—Every inspection under these rules shall be carried out either at the premises of the manufacturer or at the premises at which the goods are offered by the exporter provided adequate facilities for the purpose exist therein.

6. Inspection fee.—Subject to minimum of Rs. 20 for each consignment, a fee at the rate of 40 paise for every one hundred rupees of the f.o.b. value for each such consignment shall be paid as inspection fee.

7. Appeal.—(1) Any person aggrieved by the refusal of the inspection agency to issue a certificate under sub-rule (4) of rule 4, may, within ten days of receipt of the communication of such refusal by him, prefer an appeal to a panel of experts consisting of not less than three but not more than seven persons as may be appointed for the purpose by the Central Government.

(2) Atleast two thirds of total membership of the panel of experts shall consist of non-officials.

(3) The quorum for the panel shall be three.

(4) The appeal shall be disposed of within fifteen days of its receipt.

SCHEDULE

1. Scale of sampling and criteria of conformity.—In the absence of specific stipulation in the export contract, the sampling scale and criteria of conformity as laid down in

the relevant Indian Standard Specification, namely IS 651—1980 and/or IS 3006—1979 as amended from time to time, shall become applicable.

2. Methods of test.—If not specified in the export contract, the test methods shall be as per National Standard.

[F. No. 6(13)/80-EI&EP]

नई दिल्ली, 23 अगस्त, 1986

का.आ. 291.—केन्द्रीय सरकार, नियांत्रित (क्वालिटी नियंत्रण और नियोजन) अधिनियम, 1963 (1963 का 22) की धारा 8 द्वारा प्रदत्त प्राक्तिकों का प्रयोग करते हुए, नमक काचित पत्थर की पाइप और फिटिंग के संबंध में भारतीय मानक संस्थान प्रमाणित चिह्न को ये द्योतन करने के प्रयोगजन के लिये मान्यता देती है कि जहां नमक काचित पत्थर की पाइप और फिटिंग पर ऐसे चिह्न लगे हैं तो वे चिपकाये गये हैं वहां से उक्त अधिनियम के अधीन उम्मीद लागू मानक विनियोगों के अनुसर समझे जायेंगे ;

और केन्द्रीय सरकार ने उन्हें नियांत्रित (क्वालिटी नियंत्रण और नियोजन) नियम, 1964 के नियम 11 के उक्त नियम (2) की अपेक्षानुसार नियांत्रित नियोजन परियांक को भेज दिया है ;

अतः छाप, केन्द्रीय सरकार उक्त अधिनियम के अनुसरण में उक्त प्रस्तावों को उन लोगों की जानकारी के लिये प्रकाशित करती है जिनके द्वारा प्रभावित होने की संभावना ;

2. सूचना दी जाती है कि यदि कोई व्यक्ति उक्त प्रस्तावों के बारे में कोई आवेदन या सुनाव देना चाहते हैं तो वह उन्हें राजपत्र में इस अधिसूचना के प्रकाशित होने की तारीख से पंतप्रधान दिनों के भीतर नियांत्रित नियोजन परियांक परिषद, प्रगति टावर, 11वीं मंजिल, 26, राजेन्द्र प्लॉस, नयी दिल्ली-110008 को भेज सकता ।

स्पष्टीकरण—इस अधिसूचना में "नमक काचित पत्थर की पाइप और फिटिंग" से दोनों (क) रसायनिक रूप से प्रतिरोधी नमक काचित पत्थर की पाइप और फिटिंग और (ख) सामान्य अल निकास के लिये नमक काचित पत्थर की पाइप और फिटिंग प्रभिप्रेत हैं । पाइप और फिटिंग की आन्तरिक और बाह्य सतह जोड़ने के बावजूद इनकी अवृत्ति भी सकते हैं या नहीं भी हो सकते हैं । जलाने की प्रक्रिया के द्वारा, पाइप और फिटिंग की समग्री पर साधारण नमक के वाष्पीकरण द्वारा नमक प्राप्त की जा सकती है ।

[फाइल सं. 6(13)/80-ई भार्ड एण्ड ई पी]

New Delhi, the 23rd August, 1986

S.O. 2917.—Whereas the Central Government in exercise of the powers conferred by section 8 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), proposes to recognise the Indian Standard Institution Certification mark in relation to Salt Glazed Stoneware Pipes and Fittings for the purpose of denoting that where Salt Glazed Stoneware Pipes and Fittings are affixed or applied with such mark, they shall be deemed to be in conformity with the standard specifications applicable thereto under the said Act;

And whereas the Central Government forwarded the same to Export Inspection Council as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore in pursuance of the said sub-rule, the Central Government hereby publishes the said proposals for the information of the public likely to be affected thereby.

C. Notice is hereby given that any person desiring to forward any objections or suggestions with respect to the said proposals may forward the same within fortyfive days of the publication of this notification in the official Gazette to Export Inspection Council, Pragati Tower (11th floor), 26, Rajendra Place, New Delhi-110008.

Explanation.—In this notification "Salt Glazed Stoneware Pipes and Fittings" shall both (a) chemically resistant salt-glazed stoneware pipes and fittings and (b) normal drainage purpose salt glazed stoneware pipes and fittings. The interior and the exterior surfaces of the pipes and fittings, which remain exposed after jointing shall be glazed. The portion which remain covered after jointing may or may not be glazed. The glazing shall be obtained by the action of the fumes of volatized common salt on the material of the pipes and fittings during the process of burning.

[F. No. 6(13)|80-EI&EP]

आदेश

का.ग्रा. 2918.—केन्द्रीय सरकार की, नियर्यात (क्वालिटी नियंत्रण और निरीक्षण) प्रधिनियम, 1963 (1963 का 22) की घारा 6 घारा प्रथम शर्तियों का प्रयोग करते हुए, यह राय है कि भारत के नियर्यात व्यापार के लिये ऐसा करता धावशक तथा समीक्षित है कि अगरबत्तियों का नियर्यात से पूर्व क्वालिटी नियंत्रण और निरीक्षण किया जाये;

और केन्द्रीय सरकार ने उक्त प्रयोजन के लिये नीचे प्रस्ताव बताये हैं और उन्हें नियर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उप-नियम (2) की प्रवेशनुसार, नियर्यात निरीक्षण परिषद् को भेज दिया है;

प्रतः, धाव केन्द्रीय सरकार उक्त उप-नियम के प्रनुसरण में उक्त प्रस्तावों को उन लोगों की जानकारी के लिये प्रकाशित करती है, जिनके उनसे प्रभावित होने की संभावना है;

2. सूचना दी जाती है कि यदि कोई अधिकत उक्त प्रस्ताव के बारे में कोई धारोंप या सुलाल देना चाहता है तो वह उसे इस आदेश के राजपत्र में प्रकाशित होने की तारीख से पैसालीस दिन के भीतर नियर्यात निरीक्षण परिषद्, प्रगति टावर, 11वीं मंजिल, 26, राजेन्द्र प्लेस, नई दिल्ली-110008 को भेज सकता है।

प्रस्ताव

(1) प्रधिसूचित करता कि अगरबत्तियों का नियर्यात से पूर्व क्वालिटी नियंत्रण और निरीक्षण किया जायेगा;

(2) इस आदेश के उपबन्ध-I में उपबन्धित अगरबत्तियों के नियर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1986 के प्रारूप के अनुसार क्वालिटी नियंत्रण और निरीक्षण के प्रकार को क्वालिटी नियंत्रण और निरीक्षण के प्रकार के ऐसे रूप में विस्तृत करना जो कि नियर्यात से पूर्व अगरबत्तियों को बांगू किया जायेगा।

(3) इस आदेश के उपबन्ध-II में नियिष्ट न्यूनतम विशेषताओं की संतुष्टि करते हुए उक्त नियम के प्रवीन संविदात्मक विनियोगों को मास्त्यता देता है—

टिप्पणी : यदि नियर्यात संविदा में विस्तृत तकनीकी धरोंपायें विस्तृत नहीं होती हैं या केवल नमूनों पर आधारित हों तो नियर्यात कर्ता लिखित विनियोग देगा।

(4) अस्तराध्दीय व्यापार के घारा, ऐसी अगरबत्तियों के नियर्यात को तब तक प्रतिविष्ट करता जब तक कि उक्तके साथ नियर्यात (क्वालिटी नियंत्रण और निरीक्षण) प्रधिनियम, 1963 (1963 का 22) की घारा 7 के प्रधीन केंद्रीय सरकार द्वारा स्थापित अभिकरणों में से किसी के द्वारा जारी किया गया इस धावशक का प्रमाण-पत्र न हो कि अगरबत्तियों का परेषण नियर्यात योग्य है।

2. इस आदेश की कोई भी भावी क्षेत्रों को भू-मार्ग, जल-मार्ग या लागू मार्ग द्वारा अगरबत्तियों के वास्तविक व्यापार नमूनों के नियर्यात पर लागू नहीं होगी, परन्तु यह तब जब कि ऐसे नमूनों को नियर्यात के लिये प्रनुसार किया जाता है।

3. इस आदेश में, अगरबत्ती से ऐसी कम्बी सामग्री से विनियित अगरबत्ती अभिप्रेत है जिसमें छाल, बीज, पत्तियां, फूल आदि तथा रासू धावशक तेल और सुंगंधित रसायन के पेस्ट को बास की तिलियों पर सगाकर अगरबत्ती दीयार की जाती है जिस पर अतिरिक्त सुंगंध सगा दी जाती है जो कि लेप लगे हुए हिस्से के बनने तक सुशानी खुशबू देती रहे।

उपाबन्ध-I

नियर्यात (क्वालिटी नियंत्रण और निरीक्षण) प्रधिनियम, 1963 (1963 का 22) की घारा 17 के प्रधीन बनाये जाने वाले प्रस्तावित नियमों का प्रारूप।

1. संक्षिप्त नाम और प्रारूप:—(1) इन नियमों का संक्षिप्त नाम अगरबत्तियों का नियर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1986 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. परिभाषाएं:—इन नियमों में जब तक कि संदर्भ से प्रभ्यता परिभित न हो:—

(क) "प्रधिनियम" से नियर्यात (क्वालिटी नियंत्रण और निरीक्षण) प्रधिनियम, 1963 (1963 का 22) अभिप्रेत है;

(ल) "परिषद्" से अधिनियम की घारा 3 के प्रधीन स्थापित नियर्यात निरीक्षण परिषद् अभिप्रेत है;

(ग) "अधिकरण" से अधिनियम की घारा 7 के प्रधीन अम्बई, कलकत्ता, कोचीन, विल्सो और भडास में स्थापित नियर्यात निरीक्षण अभिकरणों में से कोई अधिकरण अभिप्रेत है;

(घ) "अगरबत्ती" से ऐसी कम्बी सामग्री से विनियित अगरबत्ती अभिप्रेत है, जिसमें सुंगंधित जड़े, छाल, बीज, पत्तियां, फूल आदि तथा रासू धावशक तेल और सुंगंधित रसायन के पेस्ट की बास की तिलियों पर सगाकर अगरबत्ती दीयार की जाती है जिस पर अतिरिक्त सुंगंध सगा दी जाती है जो कि लेप लगे हुए हिस्से के बनने तक सुशानी खुशबू देती रहे।

(ङ) "प्रक्रिया के दीरन नियंत्रण" (जिसे इसमें आगे धाई. पी. क्यू.सी. फॉ. गया है) से क्वालिटी नियंत्रण की ऐसी प्रणाली अभिप्रेत है जिसके द्वारा विनियम एकक यह सुनियित करता है कि अगरबत्तियों को सामग्री तथा संषटक के ऋण, विनियम, निरीक्षण परिषद् तथा ऐकिंग के विभिन्न स्तरों पर परिषद् द्वारा अधिकारियत नियंत्रण लागू करके मानक विनियोगों के अनुरूप अगरबत्तियों का विनियमन किया गया है।

(च) "परेषण नियर्यात नियम" से यह अवधारित करते की प्रक्रिया अभिप्रेत है कि क्या नियर्यात के लिये रखी गई अगरबत्तियों का परेषण अधिकरण द्वारा निरीक्षण तथा परीक्षण करके ऐसा कि परिषद् ने विश्रान्ति किया है, मानक विनियोगों के प्रबन्ध करता है।

(छ) "अनुमोदित एकक" से अभिकरण द्वारा अनुमोदित ऐसा कोई विनिर्माण एकक अभिप्रेत है जो प्रक्रिया के द्वारा व्यालिटी नियंत्रण की अपेक्षाओं को पूरा करता है।

(ज) "कालिक दोरा" से ऐसा द्वारा अभिप्रेत है जो एकक में प्रक्रिया के द्वारा व्यालिटी नियंत्रण की अपेक्षाओं को सुनिश्चित करने के लिये अभिकरण के अधिकारियों द्वारा अनुमोदित एकक में समय-समय पर किये जाते हैं तथा (i) "स्थल पर जांच" से परिषद द्वारा अधिकथित रीति में नियंत्रण की मानक विनिर्देशों के अनुसार अनुमोदित सुनिश्चित करने के लिये अभिकरण द्वारा किया गया निरीक्षण अभिप्रेत है।

3. निरीक्षण का आधार :—(1) नियंत्रित के लिये आवश्यित अग्रवक्षियों का निरीक्षण यह सुनिश्चित करने के लिये किया जायेगा कि उसकी व्यालिटी अविनियम की धारा 8 के माध्यम के द्वारा सरकार द्वारा मान्यताप्राप्त मानक विनिर्देशों के अनुरूप है।

(क) उप-नियम (2) के अनुसार अनुमोदित एकक द्वारा उत्पादन के द्वारा व्यालिटी नियंत्रण प्रक्रिया के आधार पर; या

(ख) परेषणानुसार प्रक्रिया के आधार पर; या

(ग) दोनों द्वारा;

(2) उत्पादन के द्वारा व्यालिटी नियंत्रण प्रक्रिया: (i) कोई भी विनिर्माण एकक यदि अपने द्वारा विनिर्मित अग्रवक्षियों का नियंत्रित करना आहार है और प्रक्रिया के द्वारा व्यालिटी नियंत्रण पर्याप्त है तो प्रक्रिया के द्वारा व्यालिटी नियंत्रण के अन्तर्गत स्वीकृति की सूचना देते हुए अभिकरण को सूचित करेगा।

(ii) एकक अभिकरण द्वारा प्रक्रिया के द्वारा व्यालिटी नियंत्रण लागू करने की उपयुक्तता को नियंत्रित करने का प्रबन्ध करेगा और यदि उसका समाधान हो जाता है तो अभिकरण उस एकक को अनुमोदित एकक के रूप में घोषित कर देगा।

(iii) अपना यह समाधान करने के प्रयोजन के लिए कि अनुमोदित एकक द्वारा आवश्यक प्रक्रिया के द्वारा व्यालिटी नियंत्रण बनाए रखे गए हैं अभिकरण कालिक बैरे और स्थल पर जांच करेगा।

(iv) इस संबंध में परिषद द्वारा मानदण्ड के अनुसार, कम से कम सात दिन की सूचना देते हुए अभिकरण द्वारा प्रक्रिया के द्वारा व्यालिटी नियंत्रण के अन्तर्गत एकक को दिया गया अनुमोदित बापत दिया जा सकता है।

(v) यह एकक जिसका अनुमोदित बापत से दिया जाना है सूचियों के संशोधन के प्रबन्ध नवीन अनुमोदित के लिए अभिकरण को किर से आवेदन-प्रक्रिया देता है।

4. निरीक्षण की प्रक्रिया: (1) अग्रवक्षी के परेषण का नियंत्रित करने का इच्छुक नियंत्रिकर्ता परेषण को भेजने से कम से कम सात दिन पूर्व अपने ऐसा करने के आवश्यकीय की सूचना लिखित रूप में अभिकरण को निरीक्षण करने के लिए देगा ताकि अभिकरण परिषद द्वारा नियंत्रित तथा नियम 3 के अनुसार परेषण का निरीक्षण कर सके।

(2) अभिकरण अपना यह समाधान कर लेने पर कि परेषण मानक विनिर्देशों तथा अविनियम को अपेक्षाओं के अनुरूप है, सूचना ग्राप्त होने के साथ दिन के भीतर नियंत्रित के लिए निरीक्षण प्रमाणपत्र जारी करेगा;

परन्तु यह अभिकरण का इस प्रकार का समाधान नहीं होता है वह उक्त सात दिन के भीतर प्रमाणपत्र जारी करने से लिखित रूप में इंकार कर देगा और उसके कारणों को सूचित करेगा।

(3) प्रमाणपत्र के पश्चात भी अभिकरण को परेषण के अंडारकरण के किसी स्थान पर, अभिवहन के द्वारा या उसके पासनों पर पुनः नियंत्रित करने का अविकार होगा। यदि इनमें से किसी भी प्रक्रम पर यह पाया जाता है कि परेषण अपेक्षाओं के अनुरूप नहीं है तो मूल प्रमाणपत्र बापत ने दिया जाएगा।

5. निरीक्षण का स्थान: इन नियमों के अधीन प्रत्येक निरीक्षण :

(क) विनिर्माण एकक के परिसरों पर,
या

(ब) किसी ग्रम्य परिसर पर किया जाएगा परन्तु यह तब जब कि वहाँ निरीक्षण के लिए पर्याप्त सुविधाएं विद्यमान हों।

6. निरीक्षण फीस—नियंत्रिकर्ता अभिकरण के नियमानुसार निरीक्षण फीस देगा :—

(क) उत्पादन के द्वारा व्यालिटी नियंत्रण स्कीम के अधीन नियंत्रित करने के लिए प्रति परेषण 20/- रुपए के अधीन रहते हुए पोत-पर्याप्त निःशुल्क मूल्य के 0.3 प्रतिशत की दर से।

(ब) परेषणानुसार निरीक्षण के अन्तर्गत नियंत्रित के लिए प्रति परेषण भूत्तम 20/- रुपए के अधीन रहते हुए पोत-पर्याप्त निःशुल्क मूल्य के 0.3 प्रतिशत की दर से।

7. अपील—(1) नियम 4 के उप-नियम (2) के अधीन प्रमाणपत्र देने से इंकार किए जाने से व्यक्ति कोई व्यक्ति ऐसे इंकार की सूचना प्राप्त होने के बहु दिनों के भीतर इस प्रयोजन के लिए नियंत्रण सरकार द्वारा नियुक्त व्यक्तियों के पैनल को अपील कर सकता है। उस पैनल की कुल सदस्यता के कम से कम दो तिहाई सदस्य गैर-सरकारी होंगे।

(2) पैनल की गणपूर्ति तीन सदस्यों से होगी।

(3) अपील प्राप्त होने के पश्चात दिन के भीतर निपटाई जाएगी।

(4) अपील पर पैनल का विनिष्कण अस्तित्व में होगा।

उपबन्ध-II

अग्रवक्षी की विनिर्दिष्ट विणिट्रिटों के लिए न्यूत्तम अपेक्षाएं

(1) अग्रवक्षी का सुधार स्वास्थ्य/आग के लिए अतरे वाला नहीं होगा।

(2) सामान्यतः अच्छी वस्ता में बत्ती लेपित हिस्से की अपनी पूरी संख्याई में अपने समय लगातार सुखद सुगंध देगी।

(3) बत्ती काफी मजबूत होगी ताकि सीधी छड़ी रह सके।

(4) ऐप का उपयोग सामान्यतः एक सा होगा।

(5) जब तक कि क्रेता द्वारा विनिर्दिष्ट न हो बत्ती का व्याली द्वितीय भोवित संख्याई 20 प्रतिशत से अधिक नहीं होगी।

(6) क्रेता तथा विक्रेता के बीच सहमति के अनुसार बत्ती की लम्बाई ± 5 प्रतिशत सहमता के साथ होगी।

(7) क्रेता तथा विक्रेता के बीच सहमति के अनुसार बत्ती का भार ± 5 प्रतिशत की सहमता के साथ होगी।

(8) क्रेता तथा विक्रेता के बीच सहमति के अनुसार डिम्बे के अल्पवर बत्ती की संख्या 0.1 प्रतिशत सहमता के साथ होगी।

(9) डिम्बे में दृटी हुई बत्ती की संख्या क्रेता तथा विक्रेता के बीच सहमति के अनुसार ± 2 प्रतिशत सहमता के साथ होगी।

(10) जलने का समय—क्रेता तथा विक्रेता के बीच सहमति के अनुसार 5 मिनट सहमता के साथ होगा।

[फाइल सं. 6/1/86-ई आई एड ईपी]
एन. एस. हरिहरन, निदेशक

ORDER

S.O. 2918.—Whereas in exercise of the powers conferred by Section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government is of

opinion that it is necessary and expedient so to do for the development of the export trade of India, the Agarbattis shall be subject to quality control and inspection prior to export;

And whereas the Central Government has formulated the proposals below for the said purpose and has forwarded the same to the Export Inspection Council as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule, the Central Government hereby publishes the said proposals for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objections or suggestions with respect to the said proposals may forward the same within forty five days of the date of publication of this order in the Official Gazette to the Export Inspection Council, 11th floor, Pragati Tower, 26, Rajendra Place, New Delhi-110008.

PROPOSALS

(1) To notify that Agarbattis shall be subject to quality control and inspection prior to export;

(2) To specify the type of quality control and inspection in accordance with the draft Export of Agarbattis (Quality Control and Inspection) Rules, 1986 as set out in Annexure-I to this Order, as the type of quality control and inspection which shall be applied to such agarbattis prior to export;

(3) To recognise—

The contractual specifications subject to the product satisfying the minimum of the characteristics specified in the Annexure-II to this Order.

Note—When the export contract does not indicate detailed technical requirements or is based only on samples, the exporter should furnish a written down specification.

(4) To prohibit the export in the course of international trade of such Agarbattis unless every consignment thereof is accompanied by a certificate issued by any one of the Agencies established under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) to the effect that the consignment of Agarbattis are exportworthy.

2. Nothing in this order shall apply to the export by land, sea or air of bona fide trade samples of Agarbattis to the prospective buyers, provided such samples are allowed to be exported free of cost.

3. In this order, Agarbattis means, Agarbattis manufactured from raw materials consisting of odoriferous roots, barks, seeds, leaves, flowers etc. and resins, essential oils and aromatic chemicals, the paste of which applied to bamboo sticks on which additional perfumes are added to emit pleasant fragrance while burning continuously at full length of the coated portion.

ANNEXURE-I

Draft rules proposed to be made under section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963).

1. Short title and commencement.—(1) These rules may be called the Export of Agarbattis (Quality Control and Inspection) Rules, 1986.

(2) These shall come into force on the date of their final publication in the Official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires :—

- (a) "Act" means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963);
- (b) "Council" means the Export Inspection Council established under Section 3 of the Act;
- (c) "Agency" means any one of the Export Inspection Agencies established under Section 7 of the Act at Bombay, Calcutta, Cochin, Delhi and Madras.

(d) "Agarbattis" means Agarbattis manufactured from raw materials consisting of odoriferous roots, barks, seeds, leaves, flowers etc. and resins, essential oils and aromatic chemicals, the paste of which applied to bamboo sticks on which additional perfumes are added to emit pleasant fragrance while burning continuously at full length of the coated portion.

(e) "In-process Quality Control" (hereinafter also referred to as IPQC) means a system of quality control by which a manufacturing unit ensures that Agarbattis are manufactured to conform to the standard specifications by exercising controls at different stages of purchase of materials and components, manufacture, inspection, preservation and packing, in a manner as laid down by the Council;

(f) "Consignmentwise inspection" means the process of determining whether a consignment of Agarbattis meant for export complies with the standard specifications, by inspections and testing by the Agency in a manner as laid down by the Council;

(g) "Approved Unit" means a manufacturing unit approved by the Agency as having satisfied the requirements of IPQC.

(h) "Periodic Visit" means a visit made by officer(s) of the Agency to the approved unit at intervals to ensure compliance of the requirements of IPQC in the unit; and (i) "Spot-check" means an inspection by the Agency of an export consignment to ensure its conformity to the standard specifications in a manner as laid down by the Council.

3. Basis of Inspection.—(1) Inspection of Agarbattis intended for export shall be carried out with a view to seeing that the same conforms to the standard specifications recognised by the Central Government under section 6 of the Act :—

(a) on the basis of In-process Quality Control exercised by an approved unit in accordance with sub-rule (2); or

(b) on the basis of Consignmentwise Inspection, or

(c) by both;

(2) In-process Quality Control :

(i) Any manufacturing unit intending to export Agarbattis manufactured by it and having adequate IPQC shall apply to the Agency intimating therein its intention to seek approval under IPQC.

(ii) The Agency shall then arrange to assess adequacy of IPQC exercised by the unit and if satisfied, the agency shall declare the unit as an approved unit.

(iii) For the purpose of satisfying itself that necessary IPQC is continued to be maintained by the approved unit, the agency shall carry out periodic visits and spot checks.

(iv) The approval accorded to the unit under IPQC may, however, be withdrawn by the Agency as per norms laid down in this regard by the Council, after giving a notice of minimum period of seven days.

(v) A unit whose approval has been withdrawn may after rectifying the deficiencies make fresh application to the Agency for fresh approval.

4. Procedure of Inspection.—(1) An exporter intending to export a consignment of Agarbattis shall submit an intimation for inspection in writing to the agency of his intention so to do not less than seven days prior to the despatch of the consignment to enable the agency to carry out inspection of the consignment as per rule 2 and the procedure laid down by the Council.

(2) The agency, on satisfying itself that the consignment conforms to the standard specifications and requirements of the Act, shall issue an Inspection Certificate for export within seven days of receipt of the intimation;

Provided that where the agency is not so satisfied, it shall, within the said period of seven days, refuse in writing to issue the certificate along with the reasons therefor.

(2) Subsequent to certification, the agency may re-assess the consignment in storage in transit or at the port. In the event of the consignment being found not conforming to the requirements, the certificate originally issued shall be withdrawn.

5. Place of Inspection.—Every inspection under these rules shall be carried out :—

(a) at the premises of the manufacturing unit,
or

(b) at any other premises provided adequate facilities for inspection exist therein.

6. Inspection Fee.—Inspection fee shall be paid by the exporter to the Agency as under :—

(a) for exports under In-process Quality Control Scheme at the rate of 0.3 percent of the F.O.B. value subject to a minimum of Rs. 20 per consignment.

(b) for exports under consignmentwise inspection at the rate of 0.5 percent of the F.O.B. value subject to a minimum of Rs. 20 per consignment.

7. Appeal.—(1) Any person aggrieved by the refusal of the Agency to issue a certificate under sub-rule (2) of rule 4, may within ten days of the receipt of communication of such refusal by him prefer an appeal to a Panel of Experts as may be appointed for the purpose, by the Central Government, consisting of non-officials of atleast two-thirds of the total membership of the Panel.

(2) The quorum for the Panel shall be three.

(3) The appeal shall be disposed of by the Panel within fifteen days of its receipt.

(4) The decision of the Panel on such appeal shall be final.

ANNEXURE-II

MINIMUM REQUIREMENTS OF THE SPECIFIED CHARACTERISTICS FOR AGARBATTIS

- (1) Agarbattis smoke shall not be a health/fire hazard.
- (2) The sticks shall give pleasant aroma continuously while burning for its full length of the coated portion under normal standard conditions.
- (3) The sticks shall be strong enough to stand upright.
- (4) The application of the coating shall be reasonably uniform.
- (5) Unless specified by the purchaser, the bare portion of sticks shall not be more than 20 percent of the declared length.
- (6) Length of the stick shall be as agreed to between the buyer and the seller with a tolerance of ± 5 percent.
- (7) Weight of the stick shall be as agreed to between the buyer and the seller with a tolerance of ± 5 percent.
- (8) Number of sticks in a box shall be as agreed to between the buyer and the seller with a tolerance of ± 0.1 percent.
- (9) Number of broken sticks in a box shall be as agreed to between the buyer and seller with a tolerance of ± 2 percent.
- (10) Burning time.—It shall be as agreed to between the buyer and seller with a tolerance of minus 5 minutes.

साथ भी नागरिक पूर्ति मंत्रालय

(नागरिक पूर्ति विभाग)

नई दिल्ली, 11 अगस्त, 1986

का. आ. 2919.—ऐन, राष्ट्र एण्ड आयलसीड्स मर्टेंट्स एसोसिएशन, बन्डइ द्वारा, उसे अधिनियम संविदा (विनियम) अधिनियम, 1952 (1952 का 74) की धारा 9-ए की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, संगम अनुच्छेद में किए गए नियन्त्रित संशोधनों, जिन्हें केन्द्रीय संसदार द्वारा अनुमोदित किया गया है, को उक्त धारा की उपधारा (2) को प्रवेशानुसार इसके द्वारा प्रकाशित किया जाता है, अर्थात् :—

I. खण्ड 11 में :

नियन्त्रित नया खंड जोड़ा जाएगा।

खण्ड 11 :

“एक सहृदात सदस्य जिसने लगातार दो आमकीय वर्षों को अधिनियम के तिए अंशवान/उपकर (लागा), जो उसने द्वारा प्रतिवर्ष या तो कम से कम 8000 बोरों की आसानी सुनुक्ती देने या सुनुक्ती से ने पर देय है, की प्रदायन, की हो तो वह साधारण सदस्य के रूप में प्रवेश पाने का पात्र होगा। ऐसे सहृदात सदस्य को उपर्युक्त ऐसे अंशवान/उपकर (लागा) के अनुगतान का सबूत प्रस्तुत करना होगा, जो प्रबंध समिति या इस कार्य के लिए नियुक्त डा-समिति को संबोधी हो।”

II. खण्ड 49 में :

नियन्त्रित नया खंड जोड़ा जाएगा।

खण्ड 49 :

“बोट देने के ग्राम साधारण सदस्यों को दो पैनलों द्वारा, आयलसीड्स एण्ड ब्रेन सेलर्स पैनल भी नागरिक एण्ड ऐन बायर्स पैनल में वर्ताया दिया जाएगा। सदस्यों को यह धोखिय करना होगा कि वे किस पैनल द्वारा प्रवेश में शामिल होना चाहते हैं भी और प्रबंध समिति, संबंधित की संबीक्षा करने के बावजूद, सदस्यों को उपर्युक्त पैनलों में शामिल करेंगी। इस संबंध में प्रबंध समिति का निर्णय प्रतिशम होगा। एक ही सदस्य एक से अधिक पैनलों में शामिल नहीं किया जाएगा।”

III. खण्ड 51 में :

नियन्त्रित नया खंड रखा जाएगा।

खण्ड 51 :

“प्रबंध समिति में प्रधिकरण 39 सदस्य (प्रधान, उपाध्यक्ष और दो अधिकारीक संयुक्त सचिवों द्वारा) होंगे, जिनमें से 33 सदस्य नियन्त्रित किए जाएंगे और 6 सदस्य सहयोगित किए जाएंगे। 33 सदस्यों में से 22 सदस्य आयलसीड्स एण्ड ब्रेन सेलर्स पैनल में से होंगे और 11 सदस्य आयलसीड्स एण्ड ब्रेन बायर्स पैनल में से होंगे।

IV. (खण्ड 51 (ए) (i) में :

नियन्त्रित नया खंड रखा जाएगा।

खण्ड 51 (ए) (i) :

“प्रबंध समिति का गठन नियन्त्रित किया जाएगा :—

(1) 33 सदस्य साधारण सभा द्वारा नियन्त्रित किए जाएंगे, जिनमें से 22 सदस्य आयलसीड्स एण्ड ब्रेन सेलर्स पैनल के सदस्यों में से और 11 सदस्य आयलसीड्स एण्ड ब्रेन बायर्स पैनल के सदस्यों में से नियन्त्रित किए जाएंगे।

प्रबंध किसी पैनल के मामले में समिति में उस पैनल के लिए रखे गए स्थानों की संख्या में कम अधिकारी होते हैं, तो इस तरह कम सदस्यों से यत्न समिति को सम्पूर्ण रूप से गठित समिति बना जाएगा और समिति में ऐसी कमी के होने पर भी वह कार्य करेगी।”

V. खण्ड 61 में :

निम्नलिखित नया खण्ड रखा जाएगा।

खण्ड 61 :

“एसोसिएशन धारा बैठक में उपस्थित सदस्यों के तीन-चौथाई बहुमत द्वारा समय-समय पर प्रबन्ध समिति के सदस्यों की संख्या बढ़ाया गया था। यह सकती है और उन दोनों पैमालों में से प्रत्येक को आवंटित स्थानों की संख्या में परिवर्तन कर सकती है।

[मि. सं. 13/1/पाई. टी./86]

पो. एन. कौल, आर्थिक सलाहकार

MINISTRY OF FOOD & CIVIL SUPPLIES
(Department of Civil Supplies)
New Delhi, the 11th August, 1986

S.O. 2919.—The following amendments made to the Articles of Association by the Grain, Rice and Oilseeds Merchants' Association, Bombay, in exercise of the powers conferred on it by sub-section (1) of Section 9A of the Forward Contracts (Regulation) Act, 1952 (74 of 1952) and approved by the Central Government are hereby published, as required under sub-section (2) of that section, namely :—

I. In clause 11.—The following new clause shall be added :—

Clause 11.—“An associate member who has paid subscription/cess (laga) which is payable by him on at least 8000 bags annually either actually delivered or taken delivery of for the period of two official years continuously, shall be eligible to be admitted as an ordinary member. Such associate member shall have to produce proof acceptable to the managing committee or sub-committee appointed in that behalf of the payment of such subscription/cess (laga) as aforesaid”.

II. In Clause 49.—The following new clause shall be added.

Clause 49

“Ordinary members eligible to vote shall be classified in two panels viz., Oilseeds and Grain Sellers' panel and Oilseeds and Grain Buyers' panel. The members shall have to declare as to in which particular panel they desire to be included and the Managing Committee, after scrutinising relevant records, admit members in proper panels. The decision of the Managing Committee in this behalf shall be final. The same member shall not be included in more than one panel”.

III. In clause 51.—The following new clause shall be substituted.—

Clause 51

“The Managing Committee shall consist of not more than 39 members (including the President, Vice-President and two Joint Hon. Secretaries), out of which 33 members shall be elected and 6 members will be co-opted. Of the 33 members, 22 members shall be from among the members of the Oilseeds and Grain Sellers' panel and 11 members shall be from among the members of the Oilseeds and Grain Buyers' panel”.

IV. In clause 51(A)(i).—The following new clause shall be substituted.

Clause 51(A)(i)

“The Managing Committee shall be constituted as under :—

(i) 33 members shall be elected by the General Body, out of which 22 members shall be from among the members of the Oilseeds and Grain Sellers' Panel and 11 members shall be from among the members of the Oilseeds and Grain Buyers' Panel.

Or for any Panel, there are less candidates than the number of seats provided for on the Committee, for that panel, the Committee so constituted of such less number of members shall be deemed to be duly constituted and shall function notwithstanding such deficiency on the Committee”.

V. In clause 61.—The following new clause shall be substituted.

Clause 61

“The Association in General Meeting by 3/4th majority of the members present may from time to time increase or reduce the number of members to serve on the Managing Committee and alter the number of seats allotted to each of the two panels”.

[File No. 13/1/IT/86]

P. N. KAUL, Economic Adviser

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 29 जुलाई, 1986

का. धा. 29/0.—भारत सरकार के भूमिकृत ऊर्जा मंत्रालय (पेट्रोलियम विभाग) की विनांक 15 सितम्बर, 1983 की अधिसूचना संख्या 3689 में धारों और आर्थिक संशोधन करते हुए तेल उद्योग (विकास) अधिनियम 1974 (1974 का 47) की धारा 3 की उपधारा (4) द्वारा प्रदत्त भूमियों का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा तत्काल प्रभावी तारीख से, ग्रामों प्रावेशों तक, के लिए तेल उद्योग विकास बोर्ड में भी नारायण वर्त तिवारी, उद्योग मंत्री तथा पेट्रोलियम और प्राकृतिक गैस मंत्री को प्रधान के रूप में नियुक्त करती है।

[एफ. संख्या 7/19/85-वित्त-II]

एस. बालाचन्द्रन, संयुक्त सचिव

MINISTRY OF PETROLEUM & NATURAL GAS

New Delhi, the 29th July, 1986

S.O. 2920.—In partial and further modification of the Government of India in the erstwhile Ministry of Energy (Department of Petroleum) notification No. 3689 dated the 15th September, 1983, and in exercise of the powers conferred by sub section (4) of section 3 of the Oil Industry (Development) Act, 1974 (47 of 1974), the Central Government hereby appoints, with immediate effect and until further orders, Shri Narayan Datt Tiwari, Minister of Industry and Minister of Petroleum & Natural Gas, as the Chairman of the Oil Industry Development Board.

[No. 7/9/85-Fin. II]

S. BALACHANDRAN, Jt. Secy.

नई दिल्ली, 12 अगस्त, 1986

का. धा. 29/1:—यह: पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का प्राप्तन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के प्रधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. धा. सं. 1389 तारीख 24-3-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न भूमियों में विनियिष्ट भूमियों के उपयोग के अधिकार को पाल्पत साइनों को विभाने के लिए अधित करने का अपना धाराय घोषित कर दिया था।

और यह: सभी प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के प्रधीन सरकार को रिपोर्ट देती है।

और यह: केन्द्रीय सरकार से उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से संलग्न भूमियों में विनियिष्ट भूमियों में उपयोग के अधिकार अधित करने का विनियन किया गया है।

अब, यह: उक्त अधिनियम की धारा 8 की उपधारा (1) द्वारा प्रदत्त भूमियों का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा घोषित है कि इस अधिसूचना में संलग्न भूमियों में विनियिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन विभाने के प्रयोजन के लिए एवं द्वारा अधित किया जाता है।

और आगे उत्तरारा को उपत्रारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्वेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण ने, में सभी बावधारों से मुक्त रूप में घोषणा के प्रकाशन कि इस तारीख को निहित होगा।

अनुप्रकरण वाद अनुसूची
एच. बी. जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाडा सं.	धेनकल
1	2	3	4	5	6
हरदोई	बिलग्राम	कटियारी	झकपुरा	171	0 0 5
[सं. ओ.-14016/345/85-जी.पी.]					

New Delhi, the 12th August, 1986

S.O. 2921.—Whereas by notification of the Government of India in the Ministry of Petroleum, S.O. 1395 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplimentary Case (Schedule)
H.B.J. Gas Pipe Line Project

District	Tahsil	Pargana	Village	Plot No.	area in acres
1	2	3	4	5	6
Hardoi	Bilgram	Katiyari	Dhak Pura	171	0-0-5

[No. O-14016/345/85-G.P.]

का. आ. 2932:—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. आ. सं. 1392 तारीख 24-3-1986 द्वारा केन्द्रीय सरकार में उस अधिसूचना से संलग्न अनुसूची में विनिविष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को विभागे के लिए अंगत करने का अपना आशय घोषित कर दिया था।

और यतः सभी ग्रामिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और यांत्र यतः पेट्रोलियम सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिविष्ट भूमियों में उपयोग का अधिकार अंगत करने का विनियोग किया है।

प्रब्र. प्रतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित है कि इस अधिसूचना में संलग्न अनुसूची में विनिविष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन विभागे के प्रयोग के लिए एतद्वारा अंगत किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा दत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बावधारों से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुप्रकरण वाद अनुसूची
एच. बी. जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाडा सं.	धेनकल
1	2	3	4	5	6
हरदोई	बिलग्राम	कटियारी	झुंडेर	1475	0 0 5
				1531	0 0 5
				141	0 0 5
				1430	0 0 5
				1481	0 0 5

[सं. ओ.-14016/276/85-जी.पी.]

S.O. 2922.—Whereas by notification of the Government of India in the Ministry of Petroleum, S.O. 1393 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplimentary Case (Schedule)
H.B.J. Gas Pipe Line Project

District	Tahsil	Pargana	Village	Plot No.	area in acres
1	2	3	4	5	6
Hardoi	Bilgram	Katiyari	Mundiir	1475	0-0-5
				1531	0-0-5
				141	0-0-5
				1430	0-0-5
				1481	0-0-5

[No. O-14016/276/85-G.P.]

का. आ. 2923:—यतः पेट्रोलियम और बनिज पाइपलाइन (भूमि में उपयोग के व्यविकार का अर्जन) प्रधिनियम 1962 (1962 का 50) की उपधारा 3 की उपधारा (1) के प्रधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. आ. सं. 1392 तारीख 24-3-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के व्यविकार को पाइप लाइन को बिछाने के लिए अनिवार्य करने का अपना आवाद प्राप्ति कर दिया था।

और यतः सक्रम प्रधिकारी ने उक्त प्रधिनियम की धारा 6 की उपधारा (1) के व्यविकार सरकार को रिपोर्ट देती है।

और यांगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का व्यविकार अनिवार्य करने का विनिश्वय किया है।

अब, यतः उक्त प्रधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का व्यविकार पाइपलाइन बिछाने के प्रयोगन के लिए एतद्वारा प्रक्रिया की जाता है।

और यांगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है। कि उक्त भूमियों में उपयोग का व्यविकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राप्तिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुपूरक वाद अनुसूची

एच. बी. जे. गैस पाइप लाइन प्रोजेक्ट

जनपद तहसील परगना ग्राम गांव सं. शेवफल					
1	2	3	4	5	6
एतद्वारा विलग्राम कर्ति दिव्यवत	9	0	1	0	

[सं. आ.-14016/271/85-जी. पी.]

S.O. 2923.—Whereas by notification of the Government of India in the Ministry of Petroleum, S.O. 1392 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vest on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplimentary Case (Schedule)

H.B.J. Gas Pipe Line Project

District	Tahsil	Pargana	Village	Plot No.	area in acres
1	2	3	4	5	6

Hardoi Bilgram Katiyari Didvan 9 0-1-0

[No. O-14016/271/85-G.P.]

का. आ. 2924:—यतः पेट्रोलियम और बनिज पाइपलाइन (भूमि में उपयोग के व्यविकार का अर्जन) प्रधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के प्रधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. आ. सं. 1412 तारीख 24-3-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के व्यविकार को पाइप लाइनों को बिछाने के लिए अनिवार्य करने का अपना आवाद प्राप्ति कर दिया था।

और यतः सक्रम प्रधिकारी ने उक्त प्रधिनियम की धारा 6 की उपधारा (1) के प्रधीन सरकार को रिपोर्ट देती है।

और यांगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का व्यविकार पाइपलाइन बिछाने के प्रयोगन के लिए एतद्वारा अनिवार्य किया जाता है।

अब, यतः उक्त प्रधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का व्यविकार पाइपलाइन बिछाने के प्रयोगन के लिए एतद्वारा अनिवार्य किया जाता है।

और यांगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का व्यविकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राप्तिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुपूरक वाद अनुसूची

एच. बी. जे. गैस पाइप लाइन प्रोजेक्ट

जनपद तहसील परगना ग्राम गांव सं. शेवफल					
1	2	3	4	5	6
शाहजहां तिलहर तिलहर बर्द्धी-पुर	137	0	0	2	

[सं. आ.-14016/433/85-जी. पी.]

S.O. 2924.—Whereas by notification of the Government of India in the Ministry of Petroleum, S.O. 1412 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central

Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline :

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd, free from encumbrances.

Supplementary case (Schedule)
H.B.I. Gas Pipe Line Project

District	Tehsil	Pargana	Village	Plot No.	Area in acres
1	2	3	4	5	6
Shahjahanpur	Tilhar	Tilhar	Bandhi-Chak	137	0-0-2

[No. O-14016/433/85-GP]

का. आ. 2925 :—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) विधियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के प्रधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. आ. 1401 तारीख 24-3-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संबंध अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को विभाजने के लिए अंजित करने का अपना आशय घोषित कर दिया था।

और यतः सक्रम प्राधिकारी ने उक्त अधिविधियम की धारा 6 की उपधारा (1) के प्रधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संबंध अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अंजित करने का विनिश्चय किया है।

अब, यतः उक्त अधिविधियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त प्रसिद्धियों का प्रयोग करने द्वारा केन्द्रीय सरकार एवं द्वारा घोषित करता है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन के प्रयोग के लिए एवं द्वारा अंजित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने द्वारा केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निर्दिष्ट होने के बजाय भारतीय गैस प्राधिकरण लि. में सर्वांगी बाधाओं से मुक्त रूप में वोषणा के प्रकाशन की इस तारीख को निर्धारित होगा।

अन्यायक बाद अनुसूची

एवं बी. जे. रोग पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगाना	ग्राम	गाड़ी मं.	धेनुकाल
1	2	3	4	5	6
शाहजहांपुर	सरकार	कांड	पाइपलाइन	1338	0 0 6

[सं. श्री-14016/381/85-जी. पी.]

S.O. 2925.—Whereas by notification of the Government of India in the Ministry of Petroleum, S.O. 1401 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government

declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd, free from encumbrances.

Supplementary case (Schedule)
H.B.I. Gas Pipe Line Project

District	Tehsil	Pargana	Village	Plot No.	Area in acres
1	2	3	4	5	6
Shahjahanpur	Sidhar	Kant	Yarpur	1338	0-0-6

[No. O-14016/381/85-GP]

का. आ. 2926—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) विधियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के प्रधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. आ. सं. 1792 तारीख 15-4-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संबंध अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को विभाजने के लिए अंजित करने का अपना आशय घोषित कर दिया था।

और यतः मक्रम प्राधिकारी ने उक्त अधिविधियम की धारा 6 की उपधारा (1) के प्रधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संबंध अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अंजित करने का विनिश्चय किया है।

अब, यतः उक्त अधिविधियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निर्दिष्ट होने के बजाय भारतीय गैस प्राधिकरण लि. में सर्वांगी बाधाओं से मुक्त रूप में वोषणा के प्रकाशन की इस तारीख को निर्धारित होगा।

और आगे उस धारा की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निर्दिष्ट होने के बजाय भारतीय गैस प्राधिकरण लि. में सर्वांगी बाधाओं से मुक्त रूप में वोषणा के प्रकाशन की इस तारीख को निर्धारित होगा।

अनुसूची बाद अनुसूची
एवं बी. जे. रोग पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगाना	ग्राम	गाड़ी मं.	धेनुकाल
1	2	3	4	5	6
शाहजहांपुर	सरकार	कांड	वाइपलाइन	1338	0-0-6

[सं. श्री-14016/379/85-जी. पी.]

S.O. 2926.—Whereas by notification of the Government of India in the Ministry of Petroleum, S.O. 1792 dated 15-4-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplementary Case (Schedule)

H.B.J. Gas Pipe Line Project

District Tahsil Pargana		Village	Plot No.	Area in acres	
1	2	3	4	5	6
Shahjahanpur	Sadar	Kant Barua	93	0-01	
		Khurd			

[No. O-14016/379/85-G.P.]

का.आ. 2927—यतः पैट्रोलियम और ब्लिंज पाइपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पैट्रोलियम मंत्रालय की अधिसूचना का.आ. 1389 तारीख 24-3-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाईनों को विछाने के लिये अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के प्रधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार प्राप्ति करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाईन विछाने के प्रयोजन के लिये एतद्वारा अर्जित करने का अपना आशय घोषित कर दिया था।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निलित होने के बजाय भारतीय रैस प्राधिकरण नि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकार उक्त भूमियों में उपयोग का अधिकार पाइपलाईन विछाने को निहित होगा।

अनुग्रह वाद अनुसूची

एच.बी.जे. गैस पाइप लाईन प्रोजेक्ट

जनाद	नहसील	परगना	ग्राम	गाठा सं.	धोकाफल	वी.वि.वि.
1	2	3	4	5	6	
हरदोई	शिलग्राम	कटियारी	वारामऊ	312	0-10-0	सीसाला

[सं. नं. O-14016/236/85-जी.पी.]

S.O. 2927.—Whereas by notification of the Government of India in the Ministry of Petroleum, S.O. 1389 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplementary case (Schedule)

H.B.J. Gas Pipe Line Project

District Tahsil Pargana		Village	Plot	Area in acres	
1	2	3	4	5	6
Hardoi	Bilgram	Katiyari Baraham	312	0-10-0	Sinla

[No. O-14016/236/85-G.P.]

का.आ. 2928—यतः पैट्रोलियम ब्लिंज और पाइपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पैट्रोलियम मंत्रालय की अधिसूचना का.आ. सं. 1394 तारीख 24-3-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाईनों को विछाने के लिये अर्जित करने का अपना अशाय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाईन विछाने के प्रयोजन के लिये एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निलित होने के बजाय भारतीय रैस प्राधिकरण नि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकार उक्त भूमियों में उपयोग का अधिकार पाइपलाईन विछाने को निहित होगा।

नन्हूरक याद अनुसूची					
जनपद	पार्श्वानि	पर्याना	ग्राम	गांव सं.	थोरफल
1	2	3	4	5	6
हरदोई	विनाशन कटियारी श्यामदर	184		1-5-0	
		[सं. ओ-14016/306/85-जी.पी.]			

S.O. 2928.—Whereas by notification of the Government of India in the Ministry of Petroleum, S.O. 1394 dated 24-3-85 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of Section 60 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplementary Case (Schedule) H.B.J. Gas Pipe Line Project

District	Tehsil	Pargana	Village	Plot No.	Area in acres	B-B-B
1	2	3	4	5	6	
Hardei	Bilgram	Katiyari	Shyamdar	184	1-5-0	

[No. O-14016/306/85-GP]

का. आ. 2929—यतः पैट्रोलियम और अनिज पाइपलाईन (भूमि में उपयोग के अधिकार का प्रज्ञन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के प्रधीन भारत सरकार के पैट्रोलियम मंत्रालय की अधिसूचना का.आ. सं. 1403 तारीख 24-3-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिविष्ट भूमियों के उपयोग के अधिकार को पाइया लाईनों की विधानों के लिये अंजित करने का अवना आशय घोषित कर दिया था।

और यतः मशम प्राधिकारी ने उसन अधिनियम की धारा 6 की उपधारा (1) के प्रधीन सरकार को दिया है।

और आगे यतः केन्द्रीय सरकार ने उक्त लिस्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिविष्ट भूमियों में उपयोग का अधिकार अंजित करने का विनिविष्य किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) प्रदूत यानि का.आ. करो द्वारा केन्द्रीय सरकार एवं द्वारा घोषित करती है 625 GI|86—3

कि इस अधिसूचना में संलग्न अनुसूची में विनिविष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाईन विधानों के प्रयोग के लिये एवं द्वारा अंजित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत अभियोगों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण नि. में सभी वाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहत होगा।

नन्हूरक याद अनुसूची एव. जी. पी. गैस पाइप लाईन प्रोजेक्ट

जनपद	ताल्मीत	पर्याना	ग्राम	गांव सं.	थोरफल
1	2	3	4	5	6
शाहजहांपुर	सदर	जमौर	किशुरहाई	435	0-01
				566	0-02

[सं. O-14016/385/85-जी.पी.]

S.O. 2929.—Whereas by notification of the Government of India in the Ministry of Petroleum, S.O. 1403 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplementary Case (Schedule) H.B.J. Gas Pipe Line Project

District	Tehsil	Pargana	Village	Plot No.	Area in acres
1	2	3	4	5	6
शाहजहांपुर	सदर	जमौर	किशुरहाई	435	0-01
				566	0-02

[No. O-14016/385/85-GP]

का.आ. 2930—यतः पैट्रोलियम और अनिज पाइपलाईन (भूमि में उपयोग के अधिकार का प्रज्ञन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के प्रधीन भारत सरकार के पैट्रोलियम मंत्रालय की अधिसूचना का.आ. सं. 1403 तारीख 24-3-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिविष्ट भूमियों

के उपयोग के अधिकार को गाझा गाईनो को विज्ञाने से लिये रखिए करने का अपना आण्य धोपित कर दिया था।

और यह सर्वम प्रधिकारी उक्त परिवर्तन की धारा 6 की उपधारा (1) के अधीन सरकार का रिपोर्ट है दी है।

और आगे यह केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस प्रधिसूचना में संलग्न मन्त्रसूची में विनियिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनियन किया है।

अब, यह उक्त परिवर्तन की धारा 6 की उपधारा (1) द्वारा प्रदत्त गणित का प्रयोग करते हुए केन्द्रीय सरकार एनडब्ल्यूआर विभाग भारती है कि इस प्रधिसूचना में संलग्न अन्तर्गत में विनियिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन विकास के प्रयोग के लिये एनडब्ल्यूआर अर्जित किया जाता है।

और आगे उम धारा की उपधारा (1) द्वारा प्रदत्त गणितों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बायां भारतीय गैस प्राधिकरण द्वारा, में यसी वादाओं से मुक्त रूप में घोषणा के प्रकार उक्त गणितों को निहित होगा।

अनुपूरक वाद अनुसूची

एच. बी. जे., गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	धारा	गाठा सं.	क्षेत्रफल
1	2	3	4	5	6
शाहजहांपुर	सदर	काट	मुकुन्दपुर	10	0—08

[सं. O-14016/397/85-जी.पी.]

S.O. 2930.—Whereas by notification of the Government of India in the Ministry of Petroleum, S.O. 1405 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplementary case (Schedule)

H.B.J. Gas Pipe Line Project

District	Tahsil	Pargana	Village	Plot No.	Area in acres
Shahjahanpur	Sadar	Kant	Mukundpur	10	0-08

[No. O-14016/397/85-GP]

सा. धा. 2931—यह प्रधिसूचना और अन्तिम पाइपलाइन (गैस) में उपयोग के अधिकार का ग्रन्ति प्रधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के प्रेसेन्टियम मंत्रालय की प्रधिसूचना का, प्रा. में नामांक 1410 दिनांक 24-3-86 द्वारा केन्द्रीय सरकार ने उस प्रधिसूचना में संलग्न अन्तर्गत भूमियों में उपयोग का अधिकार पाइपलाइन विकास के प्रयोग के लिए प्राप्ति करने का अपना आण्य धोपित कर दिया था।

और यह नज़र प्रधिकारी ने उम अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार का रिपोर्ट है दी है।

और आगे यह केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस प्रधिसूचना में संलग्न अन्तर्गत भूमियों में उपयोग का अधिकार पाइपलाइन विकास के प्रयोग के लिए प्राप्ति करने का अधिकार अर्जित करने था विनियम किया है।

अब, यह उक्त प्रधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त गणित का प्रयोग करते हुए केन्द्रीय सरकार एनडब्ल्यूआर धोपित करती है कि इस प्रधिसूचना में संलग्न अन्तर्गत भूमियों में उपयोग का अधिकार पाइपलाइन विकास के प्रयोग के लिए प्राप्ति करने के लिए प्राप्ति करने का अधिकार अर्जित किया जाता है।

और आगे उम धारा की उपधारा (1) द्वारा प्रदत्त गणितों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बायां भारतीय गैस प्राधिकरण द्वारा, में यसी वादाओं से मुक्त रूप में घोषणा के प्रकार उक्त गणितों को निहित होगा।

अनुपूरक वाद अनुसूची

एच. बी. जे., गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	धारा	गाठा सं.	क्षेत्रफल
1	2	3	4	5	6
शाहजहांपुर	तिलापुर	प्रयग	हेरीपुर	285	0 01
		बड़ोड़ा	कोमीपुर		

[सं. O-14016/414/85-जी.पी.]

S.O. 2931.—Whereas by Notification of the Government of India in the Ministry of Petroleum, S.O. 1410 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplementary Case (Schedule)
H.B.J. Gas Pipe Line Project

District	Tahsil	Pargana	Village	Plot	Area
				No.	in acres
Shah-jahan-pur	Tilhar	Khere	Hemiput	285	0-01
		Bajhera	Komipur		

[No. O-14016/414/85-GP]

का. आ. 2932.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. आ. सं. 1404 तारीख 24-3-86 द्वारा केन्द्रीय सरकार ने उम अधिसूचना से संलग्न अनुसूची में विनिविष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को विछाने के लिए अर्जित करने का अपना आवश्य घोषित कर दिया था।

और यतः सकाम प्राधिकारी ने उक्त अधिनियम की धारा 8 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यह केन्द्रीय सरकार ने उम रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिविष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनियम किया है।

प्रब, आश: उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त सक्ति का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राप्तिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

और आगे उम धारा की उपधारा (4) द्वारा प्रदत्त सक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिविष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन विछाने के प्रयोग के लिए एतद्वारा अर्जित किया जाता है।

प्रब, आश: उम धारा की उपधारा (4) द्वारा प्रदत्त सक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राप्तिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुप्रूक वाद अनुसूची
एव. श्री जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	सहरील	परगना	ग्राम	गांव सं.	धेनफल
1	2	3	4	5	6
काहजहांपुर	सदर	जमोर	गंधार	1229	0 02
				1301	0 02
[सं. O-14016/395/85-जी पी]					

S.O. 2932.—Whereas by notification of the Government of India in the Ministry of Petroleum, S.O. 1404 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplementary case (Schedule)
H.B.J. Gas Pipe Line Project

District	Tahsil	Pargana	Village	Plot	Area
No.				No.	in acres
1	2	3	4	5	6
Shah-jahan-pur	Sadar	Jamaur	Gandhar	1229	0-02
				1301	0-02

[No. O-14016/395/85-GP]

का. आ. 2933.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. आ. सं. 1411 तारीख 24-3-86 द्वारा केन्द्रीय सरकार ने उम अधिसूचना से संलग्न अनुसूची में विनिविष्ट भूमियों के उपयोग के अधिकार की पाइप लाइनों को विछाने के लिए अर्जित करने का अपना आवश्य घोषित कर दिया था।

और यतः सकाम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यह केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिविष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनियम किया है।

प्रब, आश: उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त सक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिविष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन विछाने के प्रयोग के लिए एतद्वारा अर्जित किया जाता है।

और आगे उम धारा की उपधारा (4) द्वारा प्रदत्त सक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राप्तिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

जनपद	तहसील	परगना	ग्राम	गांव सं.	धेनफल
1	2	3	4	5	6
काहजहांपुर	तिलहर	खेडानेडा	साहसरपुर	143	0 02
			गांदोपुर		

[सं. O-14016/423/85-जी पी.]

S.O. 2933.—Whereas by notification of the Government of India in the Ministry of Petroleum, S.O. 1411 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Use in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplimentary case (Schedule)
H B J. Gas Pipe Line Project

District	Taluk	Pargana	Village	Plot No.	Area in acres
1	2	3	4	5	6
Sindhudurg	Tilhar	Khorna	Tilharpur	143	0-02
			Bajhorla	Jadepur	

[No. O-14016/425/85-CP]

का. आ. 2934—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) को धारा 3 की उपधारा (1) के प्रयोग भारत सरकार के पेट्रोलियम मंत्रालय की अधिकृत का. आ. 1384 तरीख 24/3/86 द्वारा केंद्रीय सरकार ने उत्तर अधिकृतवाले से संतान अनुमति में विनियित भूमियों के उपयोग के अधिकार का पाइप लाइन को विभाने के लिए अनित करने का अपना अधिकार घोषित कर दिया था।

और यतः सभाव प्राविकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को स्पॉट दे दी है।

और आगे यतः केंद्रीय सरकार ने उक्त स्पॉट पर विचार करने के पश्चात् इस अधिकृतवाले से संतान अनुमति में उपयोग का अधिकार अनित करने वाले विनियित किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का हुए केंद्रीय सरकार एन्ड्राय घोषित है कि इस अधिकृतवाले में संतान अनुमति में विनियित उक्त भूमियों में उपयोग का अधिकार पाइपलाइन विभाने के प्रयोगन के लिए एन्ड्राय घोषित किया जाता है।

और आगे उत्तर धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार निर्देश देती है। कि उक्त भूमियों में उपयोग का अधिकार केंद्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकारण नि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निर्दित होगा।

अनुमति पाव अनुमति
एव. बी. जे. नेश पाइप लाइन रोनेक्ट

जनाद	तहसील	पर्वत.	ग्राम	गांडा सं.	बोरफल
1	2	3	4	5	6
फलावाद	छिपरमऊ	नाना ग्राम पतांवा	796	0	11
			955	0	433
			972	2	60

[4. O-14016/532/84-ग्र. पौ.]

S.O. 2934.—Whereas by notification of the Government of India in the Ministry of Petroleum, S.O. 1384 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (4) of that section the Central Government directs that the right of use in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section the Central Government directs that the right of use in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplimentary Case (Schedule)
H.B.J. Gas Pipe Line Project

District	Taluk	Pargana	Village	Plot No.	Area in acres
1	2	3	4	5	6
Farukhabad	Calibari	Talyra	Panga	796	0-11
			Meu	955	0-43
			win	972	2-60

[No. O-14016/532/84-GP]

का. आ. 2935—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) को धारा 3 की उपधारा (1) के प्रयोग भारत सरकार के पेट्रोलियम मंत्रालय की अधिकृतवाला सं. 1385 तरीख 24-3-86 द्वारा केंद्रीय सरकार ने उत्तर अधिकृतवाले में संतान अनुमति में विनियित भूमियों के उपयोग के अधिकार का पाइप लाइन को विभाने के लिए अनित करने का अपना अधिकार घोषित कर दिया था।

और आगे यतः सभाव प्राविकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के प्रयोग गरने को स्पॉट दे दी है।

और आगे यतः केंद्रीय सरकार ने उक्त स्पॉट पर विचार करने के पश्चात् इस अधिकृतवाले में संतान अनुमति में उपयोग का अधिकार अनित गरने का विनियन किया है।

अब, प्रत्यक्ष उपयोगिता की धारा 6 को उपयाय (1) द्वारा प्रदत्त गोपनीयता कही गई केवल एकात्मक एवं द्वितीय योग्यता करती है कि इन प्रतिकूलताओं वाले पर्यावरण में विनियिष्ट उत्तम भूमियों में उपयोग का अधिकार प्राप्तनाम विधान के लिए उत्तमता की जिम्मेदारी की जिम्मेदारी है।

और आगे उपयाय की उपयाय (4) द्वारा प्रदत्त भूमियों का वापर उत्तम पर्यावरण में नियंत्रित किया है कि उक्त भूमियों में उपयोग का अधिकार केवल यसकार में नियंत्रित होने के बजाय भारतीय गैस प्राविकरण नियम में सभी पर्यावरण से मुक्त रूप में वापर के प्रकाशन की इस तरीके की विवित हैं।

अनुसूरक वाव अनुसूची
एवं गा. नै. गैस पाइप लाइन प्रोजेक्ट

अन्वय	संक्षिप्त	परिवर्तन	ग्राम	गांडा सं.	क्षेत्रफल
1	2	3	4	5	6
फरवाहाद	छिवा मक	सकागुर वर्तावा	1159	0.	01
			1162	0	01
			1482	0	24
			1156	0	03

[सं. O-14016/545/84-गै. फि.]

S.O. 2935.—Whereas by notification of the Government of India in the Ministry of Petroleum, S.O. 1385 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority, has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplementary Crs (Schedule)
H.B.J. Gas Pipe Line Project

District	Tahsil	Pargan	Village	Plot	Ac.
				No.	in acres
1	2	3	4	5	6
Farukha-	Chhibra	Sakat	Banga	1159	0-01
bad	Ma	Pur	wan	1162	0-01
				1482	0-24
				1156	0-03

[सं. O-14016/545/84-गै. GP]

का.आ. 2936.—यह प्रतिलिपि श्वेर खतिज पाइपलाइन (भूमि में उपयोग के प्रधिकार का अर्जन) अधिनियम (1962 का 50) की धारा 3 की उपयाय (3) के अधीन भारत सरकार के प्रतिलिपि संतानप की अधिसूचना का.आ.स. 1379 नं. तारीख 24-3-86 द्वारा केवल यसकार ने इस प्रतिकूलता से संबंध अनुसूची में विनियिष्ट भूमियों के उपयोग अधिकार को पाश्च लाइनों को विद्युत के लिए अंजित करने का अपना आपात घोषित कर दिया था।

श्वेर यह सम्प्राधिकारी ने उपयोगिता की धारा 6 की उपयाय (1) के अधीन सरकार को स्पोर्ट दे दी है।

श्वेर यह यह केवल यसकार ने उक्त स्पोर्ट पर विचार करने के पश्चात इस प्रतिकूलता से संबंध अनुसूची में विनियिष्ट भूमियों में उपयोग का अधिकार एकात्मक रूप से विनियिष्ट भूमियों के उपयोग अधिकार अंजित करने का विनियय किया है।

श्वेर यह उक्त प्रतिलिपि की धारा 6 की उपयाय (1) द्वारा प्रदत्त गोपनीयता का प्रयोग करने द्वारा केवल यसकार एकात्मक रूप से विनियिष्ट भूमियों में उपयोग का अधिकार केवल यसकार में उपयोग अनुसूची में विनियिष्ट उत्तम भूमियों में उपयोग का अधिकार पाइपलाइन विद्युत के प्रयोग के लिए एकात्मक रूप से अंजित किया जाता है।

श्वेर आगे उन धारा की उपयाय (4) द्वारा प्रदत्त भूमियों का प्रयोग करने द्वारा केवल यसकार विद्युत के उपयोग का अधिकार केवल यसकार में उपयोग अनुसूची में विनियिष्ट भूमियों में उपयोग का अधिकार पाइपलाइन विद्युत के प्रयोग के लिए एकात्मक रूप से अंजित किया जाता है।

अनुसूरक वाव अनुसूची
एवं गा. नै. गैस पाइप लाइन प्रोजेक्ट

अन्वय	तहसील	परिवर्तन	ग्राम	गांडा सं.	क्षेत्रफल
1	2	3	4	5	6
फरवाहाद	छिवा मक	सातपाम	वाई	315	0-02

[सं. O-14016/542/84-गै. पी.]

S.O. 2936.—Whereas by notification of the Government of India in the Ministry of Petroleum, S.O. 1379 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplementary Case (Schedule)
H.B.J. Gas Pipe Line Project

District	Tahsil	Paragan	Village	Plot No.	Area in acres
1	2	3	4	5	6
Farukhabad	Chhigatamau	Talgar	Baroi	315	0-02

[No. O-14016/542/84-GP]

का.आ. 2937.—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का प्रज्ञन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का.आ.सं. 1398 तारीख 24-3-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अंजित करने का अपना आशय घोषित कर दिया था।

और अतः सभ्य प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अंजित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार एवं द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोगन के लिए एतद्वारा अंजित करने का आपना आशय घोषित कर दिया था।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी धाराओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुरूप धाद अनुसूची
एच.बी.जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाट सं.	क्षेत्रफल
हरदोई	शाहबाद	पठोहा	मानवारा	374	0-0-10

[स. O-14016/361/85-जी पी]

S.O. 2937.—Whereas by notification of the Government of India in the Ministry of Petroleum, S. O. 1398 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the Act, submitted report to the Government,

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central

Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from the liability hereby acquired for laying the pipeline;

Supplementary Case (Schedule)
H.B.J. Gas Pipe Line Project

District	Tahsil	Paragan	Village	Plot No.	Area in acres
1	2	3	4	5	6
Hardoi	Shahzadabad	Panchkucha	Manpara	374	0-0-10

[No. O-14016/361/85-GP]

का.आ. 2938.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का प्रज्ञन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का.आ.सं. 1399 तारीख 24-3-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अंजित करने का आपना आशय घोषित कर दिया था।

और यतः सभ्य प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अंजित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार एवं द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोगन के लिए एतद्वारा अंजित किया जाता है।

और आगे उस धारा की उपग्राहा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी धाराओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुरूप धाद अनुसूची
एच.बी.जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाट सं.	क्षेत्रफल
1	2	3	4	5	6
हरदोई	शाहबाद	पठोहा	मरुखरा	909	0-2-00

[स. O-14016/362/85-जी-पी.]

S.O. 2938.—Whereas by notification of the Government of India in the Ministry of Petroleum, S. O. 1399 dated 24-3-86 under sub-section (1) of Section 3 of the

Petroleum Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplementary Case (Schedule)

H.B.J. Gas Pipe Line Project

District	Tahsil	Par-	Village	Plot	Area
1	2	3	4	5	6
Hardoi	Shahn- bpd	Pench- bhd	Bhar- heha	909	0-2-0 0-2-0
[No. O-14016/362/85-GP]					

का.प्रा. 2939.—पत्र: पेट्रोलियम और खनिज पाशपालान (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का.प्रा. स. 1390 तारीख 24-3-86 द्वारा केन्द्रीय सरकार ने इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाश्प स्थानों को विभाने के लिए अंजित करने का अपना आशय घोषित कर दिया था।

और यह: महाम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यह: केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अंजित करने का विनिश्चय किया है।

अब, यह: उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शर्तों का प्रयोग करने तुरंत केन्द्रीय सरकार एनडब्ल्यूए घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाश्पलान विभाने के प्रयोजन के लिए एनडब्ल्यूए अंजित किया जाता है।

और आगे उम धारा की उपधारा (4) द्वारा प्रदत्त शर्तों का प्रयोग करने तुरंत केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बायां भारतीय गेम प्राधिकरण द्वारा, में सभी आधारों से सुक्षम रूप में घोषणा के प्रकाशन की हस तारीख को निर्दिष्ट होगा।

प्रतुपरक वाद अनुसूची

ए.वी.जे. गैस पाश्प लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाडा	धोकाफल
हरदोई	बिलग्राम	कटियारी	बम्हरोली	349	0-15-0

[सं. O-14016/238/85-गो पी]

S.O. 2939.—Whereas by notification of the Government of India in the Ministry of Petroleum, S.O. 1390 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplementary Case (Schedule)

H.B.J. Gas Pipe Line Project

District	Tahsil	Par-	Village	Plot	Area
1	2	3	4	5	6
Hardoi	Bilgram	Kau- yari	Bamh- rauli	349	0-15-0
[No. O-14016/238/85-GP]					

का.प्रा. 2940.—पत्र: पेट्रोलियम और खनिज पाशपालान (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का.प्रा. स. 176 तारीख 15-4-86 द्वारा केन्द्रीय सरकार ने इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाश्प लाइनों को विभाने के लिए अंजित करने का अपना आशय घोषित कर दिया था।

और आगे यह: महाम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यह: केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अंजित करने का विनिश्चय किया है।

और यह गवर्नर प्राधिकारी ने उक्त अधिनियम की घारा 6 की उपधारा (1) के अंतर्गत सरकार को रिपोर्ट दे दी है।

और आगे यह केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनियम किया है।

इब, प्रतः उक्त अधिनियम की घारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन विभाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और अगे उस घारा की उपधारा (4) घारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी वाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूचक वाद अनुसूची
एव. श्री. जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	प्राम	गांडा सं.	क्षेत्रफल
काशीहांसुर	लड़	कांट	बासबेड़ा	22	0-0-04
				393	0-0-02
				382	0-0-01

[सं. O-14016/407/85-जीरी]

S.O. 2942.—Whereas by notification of the Government of India in the Ministry of Petroleum, S. O. 1407 dated 24-3-86 under sub-section (I) of Section 3 of the Petroleum Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplementary Care (Schedule)

H.B.I. Gas Pipe Line Project

District	Tahsil	Par-	Village	Plot	Area
1	2	3	4	5	6
Shahj-	S. Aar	Kent	Bans-	22	0-04
hanpur			Khera	393	0-04
				382	0-01

[No. O-14016/407/85-GP]

का.शा. 2943.—यह पेट्रोलियम और बनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अंजन) अधिनियम 1962 (1962 का 50) की घारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का.शा. म. 1386 तारीख 24-3-86 द्वारा केन्द्रीय सरकार ने उस प्रधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनियम किया है।

और यह सकाम प्राधिकारी ने उक्त अधिनियम की घारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यह केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनियम किया है।

इब, यह उक्त अधिनियम की घारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग कर हुए केन्द्रीय सरकार एतद्वारा घोषित है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन विभाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस घारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सर्व वाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूचक वाद अनुसूची
एव. श्री. जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	प्राम	गांडा सं.	क्षेत्रफल
1	2	3	4	5	6
फलाकाबाद	ठिक्कारामउ	तालप्राम	तमिवामऊ	351	0-12
				659	0-03
				732	0-01
				932	0-02

[सं. O-14016/106/85-जीरी]

S.O. 2943.—Whereas by notification of the Government of India in the Ministry of Petroleum, S. O. 1386 dated 24-3-86 under sub-section (I) of Section 3 of the Petroleum Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in

Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplementary Case (Schedule)
H.B.J. Gas Pipe Line Project

District	Tahsil	Par-	Village	Plot	Area
1	2	gana		No.	in
					acres
				4	5
					6
Faru-	Chhib-	Talg-	Tamia-	351	0-12
khabad	ramau	ram	mau	659	0-03
				732	0-01
				932	0-02

[No. O-14016/106/85-GP]

का. आ. 2944 —यतः पेट्रोलियम और अनिंज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. आ. नं. 1397 तारीख 24-3-86 द्वारा केन्द्रीय सरकार से उस अधिसूचना से संलग्न अनुमूली में विनियिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को स्पॉर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुमूली में विनियिष्ट भूमियों में उपयोग का अधिकार अधिसूचना को विनियिष्ट किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुमूली में विनियिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एवं द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राप्तिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निश्चित होगा।

अनुप्रक वाद अनुग्रही

एच. बी. जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गांडा सं.	क्षेत्रफल
1	2	3	4	5	6
शाहजहांपुर	मदर	कांट	अमरिया	102	0-12

[सं. O-14016/360/85-जीपी]

S.O. 2944.—Whereas by notification of the Government of India in the Ministry of Petroleum, S. O. 1397 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplementary Case (Schedule)
H.B.J. Gas Pipe Line Project

District	Tahsil	Par-	Village	Plot	Area
1	2	gana		No.	in
					acres
				4	5
					6
Shahja-	Sader	Kant	Kham-	102	0-12
hanpur			riya		

[No. O-14016/360/85-GP]

का. आ. 2945 —यतः पेट्रोलियम और अनिंज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. आ. नं. 1400 तारीख 23-4-86 द्वारा केन्द्रीय सरकार से उस अधिसूचना से संलग्न अनुमूली में विनियिष्ट भूमियों के उपयोग का अधिकार अधिसूचना को विनियिष्ट किया जाना विनियिष्ट करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को स्पॉर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुमूली में विनियिष्ट भूमियों में उपयोग का अधिकार अधिसूचना को विनियिष्ट किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुमूली में विनियिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एवं द्वारा अर्जित किया जाना है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राप्तिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निश्चित होगा।

अनुप्रक वाद अनुग्रही
एच. बी. जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गांडा सं.	क्षेत्रफल
1	2	3	4	5	6
शाहजहांपुर	मदर	कांट	अमरिया	179	0-10

[सं. O-14016/378/85-जीपी]

S.O. 2945.—Whereas by notification of the Government of India in the Ministry of Petroleum, S. O. 1400 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplimentary Case (Schedule)
H.B.J. Gas Pipe Line Project

District	Tahsil	Par-	Village	Plot	Area
		gana		No.	in acres
1	2	3	4	5	6
Shahja-	Sadar	Kant	Barua	179	0-10
hanpur		Bujurg			

[No. O-14016/378/85-GP]

का. प्रा. 2946.—यतः पैट्रोलियम और बनिज पाइपलाइन (भूमि में उपयोग के प्रधिकार का अर्जन) प्रधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के प्रधीन भारत सरकार के पैट्रोलियम मंत्रालय की प्रधिसूचना का. प्रा. सं. 1402 तारीख 24/3/86 द्वारा केन्द्रीय सरकार ने उस प्रधिसूचना से संलग्न प्रान्तिकी में विनिर्विष्ट भूमियों के उपयोग के प्रधिकार को पाइप लाइनों को बिछाने के लिए अनियत करने का अपना आशय घोषित कर दिया था।

और यतः सक्रम प्राधिकारी ने उसक प्रधिनियम की धारा 6 की उपधारा (1) के प्रधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उस प्रधिनियम पर विचार करने के पश्चात् इस प्रधिसूचना से संलग्न प्रान्तिकी में विनिर्विष्ट भूमियों में उपयोग का प्रधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतदृष्टारा अनियत करने का विनियन्य किया किया था।

अब, यतः उसक प्रधिनियम की धारा 6 की उपधारा (1) द्वारा प्रवत्त समिति का प्रयोग करते हुए केन्द्रीय सरकार एतदृष्टारा घोषित करती है कि इस प्रधिसूचना में संलग्न प्रान्तिकी में विनिर्विष्ट उसक भूमियों में उपयोग का प्रधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतदृष्टारा अनियत किया जाता है।

और आगे उस धारा 6 की उपधारा (4) द्वारा प्रवत्त समितियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उसक भूमियों में उपयोग का प्रधिकार केन्द्रीय सरकार में निहित होने के बास्तव भारतीय रीस प्राधिकरण लिं. में सभी बादाओं से मुक्त हप में जोषण के प्रकाशन की इस सारीख ओ निहित होगी।

प्रान्तिक बाय प्रान्तिकी
प्रधीन भारत पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाडासं.	धैनेकल
1	2	3	4	5	6
आहुगांवपुर	सदर	गाट	नगरिया	348	0-15
					आलमसारु

[S. O-14016/384/85-जी. पा.]

S.O. 2946.—Whereas by notification of the Government of India in the Ministry of Petroleum, S. O. 1402 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India, Ltd. free from encumbrances.

Supplimentary Case (Schedule)
H.B.J. Gas Pipe Line Project

District	Tahsil	Par-	Village	Plot	Area
		gana		No.	in acres
1	2	3	4	5	6
Shahja-	Sadar	Kant	Nagari-	348	0-15
hanpur			yaalam-		
			pur		

[No. O-14016/384/85-GP]

का. प्रा. 2947.—यतः पैट्रोलियम और बनिज पाइपलाइन (भूमि में उपयोग के प्रधिकार का अर्जन) प्रधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के प्रधीन भारत सरकार के पैट्रोलियम भूमियों में विनिर्विष्ट उसक भूमियों में उपयोग का प्रधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतदृष्टारा अनियत करने का अपना आशय घोषित कर दिया था।

और यतः बक्स प्राधिकारी ने उसक प्रधिनियम की धारा 6 की उपधारा (1) के प्रधीन सरकार को रिपोर्ट दे दी है।

ओर इसे यह : केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करते के पश्चात् इस धन्देलीना से संलग्न अनुसूची में विनियिष्ट भूमियों में उपयोग का अधिकार घटित करने का विनियन किया है।

इत्थ, अतः उक्त अधिनियम को धारा 6 का उपचारा (1) द्वारा प्रदत्त शिवित का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करता है कि इस धन्देलीना में संलग्न अनुसूची में विनियिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन विभाने के प्रयोजन के लिए एतद्वारा मिला किया जाता है।

और इसे उस धारा की उपचारा (4) द्वारा प्रदत्त प्रदत्त शास्त्रान्वय का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित हान के बजाय भारतीय गैस प्राप्तिकरण लि. में सभी शास्त्रान्वय से मुक्त रूप में में वापसी के प्रत्यावर का इस सारोक को निहित होगा।

प्रमुख वाद अनुसूची

एच. बी. जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाडा सं	क्षेत्रफल
1	2	3	4	5	6
हरदोई	बिलग्राम कटियारी	सूर्योदय दुर्जना	206	0-0-5	सासाला

[स. O-14016/255/85-जी. पो.]

S.O. 2947.—Whereas by notification of the Government of India in the Ministry of Petroleum, S. O. 1729 dated 15-4-86 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government, declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) or Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

State Electricity Board (GAIL) Ltd.
H.B.J. Gas Pipe Line Project

District	Tehsil	Post- gana	Vill.-go.	Plt- No.	Area in acres
1	2	3	4	5	6
Hardei	Bil- Gum	Kati- yari	Sriju- pur Darj- jani Sitala	206	0-0-5

[N.S. O-14016/255/85-GP]

का. धा. 2948.—यह : पैदेलीनम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपचारा (1) के अधीन भारत सरकार के पैदेलीनम मंत्रालय की अधिसूचना का. धा. सं. 1388 तारीख 24-3-86 द्वारा केन्द्रीय सरकार ने उक्त धन्देलीना से संलग्न अनुसूची में विनियिष्ट भूमियों के उपयोग का अधिकार का पाइप लाइनों को विभाने के लिए घटित करने का मना प्रश्न घोषित कर दिया था।

ओर यह : संलग्न खनिजकारी ने उक्त अधिनियम की धारा 6 की उपचारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और इसे यह : केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस धन्देलीना के संलग्न अनुसूची में विनियिष्ट भूमियों में उपयोग का अधिकार घटित करने का विनियन किया जाता है।

इत्थ, अतः उक्त अधिनियम को धारा 6 की उपचारा (1) द्वारा प्रदत्त शिवित का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस धन्देलीना में संलग्न अनुसूची में विनियिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन विभाने के प्रयोजन के लिए एतद्वारा घटित किया जाता है।

और इसे उस धारा की उपचारा (4) द्वारा प्रदत्त शिवितों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राप्तिकरण लि. में सभी शास्त्रान्वय से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

प्रमुख वाद अनुसूची
एच. बी. जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाडा सं	क्षेत्रफल
1	2	3	4	5	6
हरदोई	बिलग्राम कटियारी		दहुलिया	3265	0-0-5
				3271	0-0-10

[स. O-14016/234/85-जी. पो.]

S.O. 2948.—Whereas by notification of the Government of India in the Ministry of Petroleum, S. O. 1388 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) or Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the

said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplimentary Case (Schedule)
H.B.J. Gas Pipe Line Project

District	Tahsil	Par-	Village	Plet	Area
gana				No.	in acres
1	2	3	4	5	6
				B-B, B	
Hardei	Bilg-	Keti-	Daho-	3265	0-0-5
	ram	yari	lia	3271	0-0-10

[No. D-14016/234/85-GP]

का. आ. 2848.—यतः फैट्रोलिन और बनिंज पाइपलाइन (भूमि में उपयोग के अधिकार का प्रतीक) प्रधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के फैट्रोलिन मंत्रालय की प्रधिसूचना का. आ. सं. 1408 तारीख 24-3-86 द्वारा केन्द्रीय सरकार ने उस प्रधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइन को बिछाने के लिए अनियत करने का अपना प्राशय घोषित कर दिया था।

अंतर्याम: सभी प्राविकारी ने उक्त प्रधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को दियोर्दें दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस प्रधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अनियत किया जाता है।

अब, यतः उक्त प्रधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त अनियत की उपयोग का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देते हैं। कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बायाय भारतीय नैत्र प्राधिकरण द्वारा है। में सभी बाधाओं से मुक्त रूप में बोकणा के प्रकाशन की इस तारीख की निहित होगा।

और आगे उक्त धारा की उपधारा (4) द्वारा प्रदत्त अनियतों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है। कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बायाय भरतीय नैत्र प्राधिकरण द्वारा है। में सभी बाधाओं से मुक्त रूप में बोकणा के प्रकाशन की इस तारीख की निहित होगा।

मनुष्य एक बाब अनुसूची
एच. बी. जी. रेस पाइप लाइन प्रोजेक्ट

उम्पद	तहसील	परगाना	प्राम.	ग. टा. घ.	क्षेत्रफल
1	3	4	5	6	
माहजहासुर	सहर	काट	पल्होरा	1837	0-02
				248	0-03
				855	0-02

[वा. O-14016/411/85-जी. बी.]

S.O. 2949.—Whereas by notification of the Government of India in the Ministry of Petroleum, S.O. 1408 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplimentary Case (Schedule)
H.B.J. Gas Pipe Line Project

District	Tahsil	Par-	Village	Plet	Area
gana				No.	in
1	2	3	4	5	acres
Shahj-	Sader	Kant	Palh-	1837	0-02
hanpur			auta	248	0-30
				855	0-02

[No. O-14016/411/85-GP]

का. आ. 2950.—यतः फैट्रोलिन और बनिंज पाइपलाइन (भूमि में उपयोग के अधिकार का प्रतीक) प्रधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के फैट्रोलिन मंत्रालय की प्रधिसूचना का. आ. सं. 1387 तारीख 24/3/86 द्वारा केन्द्रीय सरकार ने उस प्रधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइन को बिछाने के लिए अनियत करने का अपना प्राशय घोषित कर दिया था।

और यतः सभी प्राविकारी में उक्त प्रधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को दियोर्दें दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस प्रधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अनियत करने का विनियोग किया है।

अब, यतः उक्त प्रधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त अनियतों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है। कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बायाय भरतीय नैत्र प्राधिकरण द्वारा है। में सभी बाधाओं से मुक्त रूप में बोकणा के प्रकाशन की इस तारीख की निहित होगा।

और आगे उक्त धारा की उपधारा (4) द्वारा प्रदत्त अनियतों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देते हैं। कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बायाय भरतीय नैत्र प्राधिकरण द्वारा है। में सभी बाधाओं से मुक्त रूप में बोकणा के प्रकाशन की इस तारीख की निहित होगा।

प्रत्यूतक वाद भनुसूची
एच. बी. जैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गांडा सं.	लेकरफल
1	2	3	4	5	6
फलायाबाद	छिंवरा	सीरिख	मादेमक	1942	0—18
			मऊ		

[स. O; 14016/115/85-जी पी.]

S.O. 2950.—Whereas by notification of the Government of India in the Ministry of Petroleum, S.O. 1387 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplimentary Case (Schedule)
H.B.J. Gas Pipe Line Project

District	Tahsil	Par-gana	Village	Plot No.	Area in acres
1	2	3	4	5	6
Faru-khabad	Chhib-ramu	Sourikh	Nade-Mali	1942	0-18

[No. O-14016/115/85-GP]

का. आ. 2951:—यतः पैद्रोलियम और बिजिय पाइपलाइन (भूमि से उपयोग के अधिकार का वर्तन) अधिनियम, 1962 (1962 का 50) जीधारा 3 की उपधारा (1) के अधीन भारत सरकार के पैद्रोलियम भवालय की अधिसूचना का. आ. सं. 1406 तारीख 24/3/86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संबंध भनुसूची में विनिश्चित भूमियों के उपयोग के अधिकार की पाइप लाइनों को विलास के लिए ग्रन्ति करने का अपना धाराय घोषित कर दिया था।

और यतः सभी प्राधिकारी ने उक्त अधिनियम की जारा 6 की की उपधारा (1) के अधीन सरकार की स्पॉट दी है।

और यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर वित्त करने के पश्चात् एस अधिसूचना से संबंध भनुसूची में विनिश्चित भूमियों में उपयोग का अधिकार ग्रन्ति करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की जारा 6 की उपधारा (1) द्वारा प्रवत्त मिल का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है फि इस अधिसूचना में विलास भनुसूची में विनिश्चित उस भूमियों में उपयोग का अधिकार गाइनारेट रियल के प्रयोग के लिए एतद्वारा घोषित किया जाता है।

और यतः उस जारा की उपधारा (4) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विनिश्चित होने के बजाय भारतीय गैस प्राप्तिकरण लि. में गरीब बदली से मुक्त कर में प्रत्यागत की इस तारीख को निहित होगा।

प्रत्यूतक वाद भनुसूची
एच. बी. जैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गांडा सं.	लेकरफल
1	2	3	4	6	
शहजहांपुर	सरर	काट	गिरहन	135	0—09
				76	0—02
				195	0—05

[स. O-14016/405/85 जी पी]
राजेश कक्कर, उप सचिव

S.O. 2951.—Whereas by notification of the Government of India in the Ministry of Petroleum, S.O. 1406 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplimentary Case (Schedule)
H.B.J. Gas Pipe Line Project

District	Tahsil	Par-gana	Village	Plot No.	Area in acres
1	2	3	4	5	6
Shahjehanpur	Sidhar	Kant	Sikrahan	135	0-09
				76	0-02
				195	0-05

[No. O-14016/405/85-GP]
RAKESH KACKER, Dy. Secy.

संचार मंत्रालय

(दूर संचार विभाग)

नई दिल्ली, 8 अगस्त, 1986

का. आ. 2932—स्थानी भाइसेंस संख्या 627 दिनांक 8 मार्च, 1980 द्वारा लागू किए गए भारतीय तार नियम 1951 के नियम 434 के खंड III के पैरा (क) के लागूसार महानियेक्ष, दूरसंचार विभाग ने अरन्तांगी, अवदायार बोइल, अथानापुन कोट्टी, मुक्रामानियापुरम तथा अरासुरकुलम टेलीफोन केन्द्र, तमिलनाडू मिलियन में दिनांक 23-३-1986 से प्रमाणित वर प्रणाली लागू करने का निष्पत्र किया है।

[संख्या 5-26/86-पीएचबी]

बी. श्रीनिवासन, महात्मा गांधीनियेक्ष (पीएचबी)

MINISTRY OF COMMUNICATIONS

(Department of Telecommunications)

New Delhi, the 8th August, 1986

S.O. 2952.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General Department of Telecommunications, hereby specified 23-08-1986 as the date on which the Measured Rate System will be introduced in Arantangi, Avudayarkoll, Avanathankottai, Subramaniapuram and Arasurkulam Telephone Exchanges, Tamil Nadu Telecom Circle.

[No. 5-26/86-PHB]

V. SRINIVASAN, Assistant Director General (PHB)

भ्रम भ्रातालय

नई दिल्ली, 30 जुलाई, 1986

का. आ. 2953.—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) द्वारा 91क के साथ पठित धारा 88 द्वारा प्रदत्त अधिनियमों का प्रयोग करते हुए उथोग और अपनी कार्य मंत्रालय के अधीन उत्पादन केन्द्र निवेशालय, इतमनूर, केरल के नियमित कर्मचारियों को उक्त अधिनियम के प्रभावमें 1 अम्बरी, 1986 से 31 दिसम्बर, 1986 तक की जिसमें यह तारीख भी समिलित है एक वर्ष की अवधि के लिए छूट दी गई है।

2. उक्त छूट निम्नलिखित शर्तों के अधीन है, अर्थात्:—

- (1) पुर्वोक्त कारबाना, जिसमें कर्मचारी नियोजित है, एक रजिस्टर रखेगा जिसमें छूट प्राप्त कर्मचारियों के नाम और पश्चात्धान दर्शित किए जाएंगे;
- (2) इस छूट के होने हुए भी, कर्मचारी उक्त अधिनियम के अधीन देशी प्रशुचिधार्य प्राप्त करते रहेंगे जिसको पाने के लिए वे इस अधिसूचना द्वारा दी गई छूट के प्रवृत्त होने की कारीब से पूर्व संदर्भ अधिनियमों के आधार पर हकदार हो जाते;
- (3) छूट प्राप्त अवधि के लिए अधिकार यदि वे पहले ही संवत्त किए जा चुके हैं तो, वापस नहीं किए जाएंगे;
- (4) उक्त कारबाने का नियोजक उम्म अधिकारी की बाबत जिसके दौरान उस कारबाने पर उक्त अधिनियम प्रवृत्त या (जिसे इसमें इसके पश्चात् उक्त अवधि कहा गया है) ऐसी विवरणियां ऐसे प्राप्त में और ऐसी विशिष्टियों महिने देगा जो कर्मचारी राज्य बीमा इनी (साधारण) नियम, 1950 के अधीन उक्त अवधि की आवत्त देनी थी;
- (5) नियम द्वारा उक्त अधिनियम की धारा 45 की उपाधि (1) के अधीन नियुक्त किया गया कोई निरीक्षक या इस नियम प्राधिकृत नियम का कोई अन्य पदधारी,—
 - (i) धारा 44 की उपाधि (1) के अधीन, उक्त अवधि की बाबत भी यह किसी विवरणी की विशिष्टियों की गत्यापित करने के प्रयोजनों के लिए ; या

(ii) यह अधिनियम करने के प्रयोजनों के लिए कर्मचारी राज्य बीमा (साधारण) नियम, 1950 द्वारा अधिसूचित रजिस्टर और अधिसूचना उक्त अवधि के लिए रखे गए या नहीं ; या

(iii) यह अधिनियम करने के प्रयोजनों के लिए कर्मचारी नियोजक द्वारा दी गई उक्त प्रशुचिधार्यों को, जो ऐसी प्रशुचिधार्य हैं जिनके प्रतिक्रिय स्पष्ट इस अधिसूचना के अधीन छूट दी जा रही है, नकद और बस्तु स्पष्ट में पाने का हकदार बना दृढ़ा है या नहीं ; या

(iv) यह अधिनियम करने के प्रयोजनों के लिए कि उस अवधि के दौरान, जब उक्त कारबाने के संबंध में अधिनियम के उपर्यंत प्रवृत्त हो, ऐसे किसी उपर्योग का अनुग्राहन लिया गया या या नहीं,

निम्नलिखित कार्य करने के लिए सक्षम होगा,—

(क) प्रधान नियोजक या अध्यवक्ता नियोजक से यह अपेक्षा करना कि वह उसे ऐसी जानकारी दे जो वह प्रावश्यक समझे ; या

(ज) ऐसे व्रान नियोजक या अध्यवक्ता नियोजक के अधिगोप में के कारबाने स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके भारसाबक अधिकृत से यह अपेक्षा करना कि वह अधिनियमों के नियोजन और मजदूरी के संबंध से संबंधित ऐसे लेखाबहितों और अन्य दस्तावेजों ऐसे नियोजक या अन्य पदधारी के समझ प्रस्तुत करें और उसकी परीक्षा करने से या वह उसे ऐसी जानकारी दे जो वह अवश्यक समझे ; या

(ग) प्रधान नियोजक या अध्यवक्ता नियोजक की, उसके अधिकारी या सेवक भी या से किसी अन्ति भी जो ऐसे कारबाने, स्थापन, कार्यालय या अन्य परिसर में पाया जाए, या ऐसे किसी अन्ति भी जिसके बारे में उक्त नियोजक या अन्य पदधारी के पास यह विवादास करने का अनियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना ; या

(घ) ऐसे कारबाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखाबहिती या अन्य दस्तावेज की नकल करना या उससे उद्धरण लेना।

[म. एस. 38014/40/85—एच. शाह.]

स्पष्टीकारक ज्ञापन

इस नामने में छूट को भूतवारी प्रभाव देना आवश्यक हो गया है अर्थात् छूट के आवेदन संबंधी प्रक्रिया में समय लग गया था। किन्तु, यह प्रमाणित किया जाता है कि छूट को भूतवारी प्रभाव देने से किसी भी अन्ति के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

MINISTRY OF LABOUR

New Delhi, the 30th July, 1986

S.O. 2953.—In exercise of the powers conferred by section 88 read with section 91A of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the regular employees of the Directorate of Production Centres, Ettumanur, Kerala under the Ministry of Industry and Company Affairs from the operation of the said Act for a period of one year with effect from 1st January, 1986 upto and inclusive of the 31st December, 1986.

The above exemption is subject to the following conditions, namely :—

- (1) The aforesaid factory wherein the employees are employed shall maintain a register showing the names and designations of the exempted employees;

(2) Notwithstanding this exemption, the employees shall continue to receive such benefits under the said Act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates;

(3) The contributions for the exempted period, if already paid, shall not be refunded;

(4) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from in respect of the said period under the Employees' State Insurance (General) Regulation, 1950;

(5) Any inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act, or other official of the Corporation authorised in this behalf shall, for the purposes of—

(i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or

(ii) ascertaining whether registers and records were maintained as required by the Employees State Insurance (General) Regulations, 1950 for the said period; or

(iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or

(iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory be empowered to—

(a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or

(b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or

(c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises or any person whom the said inspector or other official has reasonable cause to believe to have been an employee; or

(d) make copies of or take extracts from, any register, account book or other document maintained in such factory, establishment, office or other premises.

[No. S-38014/40/85-SSI]

Explanatory Memorandum

It has become necessary to give retrospective effect to the exemption in this case as the processing of the application for exemption took time. However, retrospective effect will not affect the interest of anybody adversely.

का. आ. २९५४.—मैन्दीय सरकार को यह प्रतीत होता है कि निम्न-लिखित स्थापन से सम्बन्धित मियोजना और कर्मचारियों की व्यापक व्याप्ति इस

बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि घोर प्रक्रिया उपद्रव अधिनियम, 1952 (1952 का 19) के उत्तराधीन संबंधित स्थापन को लाग किये जाने चाहिए :-

1. मैंसर्स इसके इटरेशनल, एम-4 इम्डस्ट्रीयल एरिया, सोनीपत्त (हरियाणा) ।
2. मैंसर्स आरके लैम्प इम्डस्ट्रीज प्लाट नं. 33 डो.एन.एफ, इन्डिस्ट्रियल इस्टेट, फेस-1, फरीदाबाद ।
3. मैंसर्स नजवा इंडियन लिमिटेड, पोस्ट बाक्स नं. 21, विली रोड, हिसार ।
4. मैंसर्स एस.के. ग्लास इम्डस्ट्रीज (प्रा.) लिमिटेड, जी.टी. रोड, गोब रसोई कंसवा सोनीपत्त (हरियाणा) और इसका पहाड़ गंग मई विहारी-110055 स्थित बुड्य कार्यालय ।
5. मैंसर्स रस्पा रिले प्राइवेट लिमिटेड, 14/6 मधुरा रोड, फरीदाबाद और इसका 29 कम्प्लिटी सेक्टर ईस्ट आफ जैलाश नहीं विली स्थित रजिस्टर्ड कार्यालय ।
6. मैंसर्स लक्ष्मी डेविलपमेंट एजेंसीज ईवगाह रोड, अम्बाला केन्ट और इसकी सैक्टर-3-6, अण्डीगढ़ स्थित थाक्का ।

भारत के द्वितीय सरकार उक्त धारा शिवम की धारा 1, की उप धारा 4 धारा प्रे वत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपर्यन्त उक्त स्थापनों को लापू करती है।

[एस-35019(163)/86-एस एस 2]

S.O. 2954.—Whereas it appears to the Central Government that the employers and the majority of employees in relation to the following establishments have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to their respective establishments, namely :—

1. M/s. Eskay International No. M. 4, Industrial Area, Sonepat (Haryana).
2. M/s. Arkay Lamp Industries, Plot No. 33, D.L.F. Industrial Estate, Phase-1, Faridabad.
3. M/s. Nalwa Steels Limited, Post Box No. 21, Delhi Road, Hissar, (Haryana).
4. M/s. S. K. Glass Industries (P) Ltd., 34/35, G. T. Road, Village Rasoi, Distt. Sonepat (Haryana), including its Head Office at Paharganj, New Delhi-110055.
5. M/s. Rapa Relay Pvt. Ltd., 14/6, Mathura Road, Faridabad, including its Regional Office at 29 Community Centre, East of Kailash, New Delhi.
6. M/s. Lakshmi Medical Agencies, Idgah Road, Ambala Cantt. Including its branch at Sector-26, Chandigarh.

Now therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the above mentioned establishments.

[S-35019(163)]86-SS. II]

नई दिल्ली, 31 जून, 1986

का.आ. 2955.—कैन्द्रीय सरकार, कर्मशाली राज्य बीमा अधिनियम, 1948 (1948 का 34) जिसको इसके पश्चात पूर्वोक्त अधिनियम कहा गया है) की धारा 91-के साथ पठित धारा 88 द्वारा प्रवर्त शक्तियों का प्रयोग करने से हुए और भारत सरकार, अम मंत्रालय की अधिसूचना संघर्ष का.आ. 155, तारीख 4 जनवरी, 1982 के ज्ञम में, भारत सरकार के हाथ मंत्रालय (हाथी और सहकारी विभाग) के अधीन एकीकृत भारतीयी परियोजना, एनकी लम्हे के बर्फ एवं हिमीकरण संगठन, कर्मशालाएँ

मौर शिपवेज इलैक्ट्रोनिकी जनुआग प्रतंस्करण आमुआग और गियर जनुआग में के नियमित कर्मचारियों को उक्त अधिनियम के प्रवर्तन से, पहली अप्रूवण, 1982 से 30 सितम्बर, 1986 तक, जिसमें यह दिन भी समिलित है, की मौर अवधि के लिए छूट देती है।

उक्त छूट निम्नलिखित शर्तों के अधीन है, अर्थात् :—

- (1) पूर्वोक्त कारखाना, जिसमें कर्मचारी नियोजित हैं, एक रजिस्टर रखेगा, जिसमें छूट प्राप्त कर्मचारियों के नाम और प्राप्तिधाम दर्शित किए जाएंगे;
- (2) इस छूट के होने हुए भी, कर्मचारी उक्त अधिनियम के अधीन ऐसी प्राप्तिधारण प्राप्त करने रहेंगे, जिसको पाने के लिए वे इस अधिसूचना द्वारा दी गई छूट के प्रवृत्त होने की सारी रूप से पूर्व सदृश अधिकारों के आधार पर हकदार हो जाते—
- (2) छूट प्राप्त अवधि के लिए यदि कोई अभियाय पहले से संदर्भ किए जा चुके हैं तो वे वापस नहीं किए जाएंगे;
- (4) उक्त कारखाने का नियोजक उम अवधि की बाबत जिसके द्वारा उम कारखाने पर उक्त अधिनियम प्रवृत्त था (जिसे इसमें इसके पश्चात् उक्त अवधि कहा गया है) ऐसी विवरणियाँ तेज़े प्रूप में और ऐसी विशिष्टियों सहित देंगी जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देनी थी;
- (5) नियम द्वारा उन अधिनियम की धारा 45 की उपचारा (1) के अधीन नियून किया गया कोई निरीक्षक या इस नियम प्राधिकरण का कोई अन्य अधिकारी—
 - (i) धारा 44 की उपचारा (1) के अधीन, उक्त अवधि की बाबत दी गई किसी विवरणी की विशिष्टियों को संस्थापित करने के प्रयोजनों के लिए, या
 - (ii) यह अधिनियित करने के प्रयोजनों के लिए कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथा अपेक्षित रजिस्टर और अभिलेख उक्त अवधि के लिए रखे गए थे या नहीं, या
 - (iii) यह अधिनियित करने के प्रयोजनों के लिए कि कर्मचारी, नियोजक द्वारा दी गई उन प्राप्तिधारों को, जो ऐसी प्रमुखियाएँ हैं जिनके प्रतिकलनस्तु इस अधिसूचना के अधीन छूट दी जा रही है, नकद और वस्तु रूप में पाने का हकदार बना हूआ है या नहीं; या
 - (iv) यह अधिनियित करने के प्रयोजनों के लिए कि उस अवधि के द्वारा, जब उक्त कारखाने के संबंध में अधिनियम के उपचार प्रवृत्त थे, ऐसे किसी उपचारों का अनुपालन किया गया था या नहीं,
- (क) प्रधान नियोजक या अध्यवहित नियोजक से यह अपेक्षा करना कि वह उसे ऐसी जानकारी दे जो वह आवश्यक समझे; या
- (ख) ऐसे प्रधान नियोजक या अध्यवहित नियोजक के अधिकारों में के कारखाने, स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके भारताधिक व्यक्ति से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और भजदूरी के संबंध से संबंधित ऐसी लेखाबहियों और अन्य दस्तावेजों, ऐसे निरीक्षक या अन्य पवधारी के मामला प्रेरुत करे और उनकी परीक्षा करने वे या वह उसे ऐसी जानकारी दे जो वह आवश्यक समझे; या
- (ग) प्रधान नियोजक या अध्यवहित नियोजक और, उसके अधिकारी या सेवक की या ऐसे किसी व्यक्ति की ओर ऐसे कारखाने,

स्थापन, कार्यालय या अन्य परिसर में पाया जाए, या ऐसे किसी व्यक्ति की जिसके बारे में उक्त निरीक्षक या अन्य पवधारी के पास यह विषयास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना; या

- (7) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखाबहियों या अन्य दस्तावेज की नकल करना या उससे उद्धरण लेना।

[मंज्ञा एम-38014/3/86-एस एम 1]

व्याप्रयात्मक ज्ञापन

इस भाग में मूर्खपेशी प्रभाव से छूट देना आवश्यक हो गई है, क्योंकि छूट के लिए आवेदन पत्र बहुत देर में प्राप्त हुआ। तथापि यह भी प्रमाणित किया जाता है कि मूर्खपेशी प्रभाव से छूट देने से किसी के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

New Delhi, the 31st July, 1986

S.O. 2955.—In exercise of the powers conferred by Section 88 read with section 91 A of the Employees' State Insurance Act, 1948 (34 of 1948) (hereinafter referred to as the said Act) and in continuation of the notification of the Government of India in the Ministry of Labour No. S.O. 155 dated the 4th January, 1982 the Central Government dated the 4th January, 1982, the Central Government hereby exempts the regular employees in Ice-cum-Freezing Plant, Workshops and Shipways, Electronic Section, Processing Section and Gear section of the Integrated Fisheries Project, Eriakulam under the Government of India in the Ministry of Agriculture (Department of Agriculture & Cooperation) from the operation of the said Act for a period with effect from 1st October, 1982 upto and inclusive of 30th September, 1986.

The above exemption is subject to the following conditions, namely :—

- (1) The aforesaid factory wherein the employees are employed shall maintain a register showing the names and designations of the exempted employees;
- (2) Notwithstanding this exemption, the employees shall continue to receive such benefits under the said Act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates;
- (3) The contributions for the exempted period, if already paid, shall not be refunded;
- (4) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;
- (5) Any inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act, or other official of the Corporation authorised in this behalf shall, for the purpose of—
 - (i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period;
 - (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
 - (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer

in cash and kind being benefits in consideration of which exemption is being granted under this notification; or

(iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory be empowered to—

(a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or

(b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or

(c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises; or any person whom the said inspector or other official has reasonable cause to believe to have been an employee; or

(d) make copies of or take extracts from any register, account book or other document maintained in such factory, establishment, office or other premises.

[No. S-38014/3/86-SS II]

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case as the application for exemption was received very late. However, it is certified that the grant of exemption with retrospective effect will not affect the interest of any body adversely.

नई दिल्ली, 5 अगस्त, 1986

का.आ. 2956.—केन्द्रीय सरकार को यह प्रतीत होता है कि भैसरे राजस्थान राज्य जल, प्रद्युम निवारण एवं नियन्त्रण मंडल, जे-2/35, महाबीर भारा "सो" स्कीम, जयपुर जिसमें इसके कोटा, जोधपुर, अलवर, और जयपुर स्थित/क्षेत्रीय कार्यालय भी सम्मिलित हैं नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रक्रीण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किये जाने चाहिए।

अतः केन्द्रीय सरकार उक्त अधिनियम की भारा 1 की उपदारा-4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं.एस-35019(162)/86-एम एस 2]

New Delhi, the 5th August, 1986.

S.O. 2956.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as M/s. Rajasthan Rajya Jal Pradushan Nivaran and Niyantran Mandal J-2/35, Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the "Establishment") at Kota, Jodhpur, Alwar & Jaipur have agreed that the provision of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by Sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the Provisions of the said Act to the said establishment.

[No. S-35019/162/86-SS-II]

का.आ. 2957.—मैसर्स श्री राम वनस्पति मैस्युफ़िक्चरिंग वर्क्स (जो पहले श्री.सी.एम. वनस्पति मैस्युफ़िक्चरिंग वर्क्स के नाम से जाना

जाता था) शिवार्जी मार्ट, पोस्ट बाक्स नं. 6219, नई दिल्ली-15 (जी.एल./96) (जिसे इसमें इसके पश्चात उक्त स्थापन कहा गया है) के कर्मचारी भविष्य निधि और प्रक्रीण उपबन्ध अधिनियम, 1952 (1952 का 19) जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की भारा 17 की उपदारा (2क) के अधीन छूट दिए जाने के लिए आवेदन किया है;

ओर केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के नियमित कर्मचारी किसी पृथक अभिदाय या प्रीमियम का सन्वाद किए बिना ही, भारतीय जीवन बीमा निगम की जीवन बीमा स्कीम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में जो कायदा उठा रहे हैं वे ऐसे कर्मचारियों को उन कायदों से अधिक अनुकूल हैं जो उन्हें कर्मचारी नियोप महावद्ध बीमा स्कीम, 1976 (जिसे इसमें इंडोनेशियन स्कीम कहा गया है) के अधीन अनुकूल हैं;

अतः केन्द्रीय सरकार, उक्त अधिनियम की भारा 17 की उपदारा (2ब) द्वारा प्रदत्त प्रक्रियों का प्रयोग करते हुए और भारत सरकार के श्रम मंत्रालय की अनुमति देखा जाए ताकि 14-4-1983 के अनुमति में और इसमें उपबन्ध अनुमति में विनिर्दिष्ट तिथि के अधीन इन हाई उक्त स्थापन के नियमित कर्मचारियों को 30-4-1986 से लीन यां की अवधि के लिए, जिसमें 29-4-1989 भी सम्मिलित है, उक्त स्कीम के सभी उपबन्धों के प्रबंधन से छूट देनी है।

अनुमति

1. उक्त स्थापन के संबंध में नियोजन प्रादेशिक भविष्य निधि आयुक्त देहली को ऐसी विवरणियों भेजेगा और ऐसे लेखा रखेगा तथा नियोजन के लिए ऐसी सुविधाएं प्रदान करेगा जो केन्द्रीय सरकार समय-समय पर निर्दिष्ट करे।

2. नियोजक, ऐसे नियोजन प्रभारी का प्रत्येक मास की समाप्ति के 15 दिन के भीतर सन्वाद फरेगा जो केन्द्रीय सरकार, उक्त अधिनियम की भारा 17 की उपदारा (2क) के अधीन समय-समय पर निर्दिष्ट करे।

3. सामूहिक बीमा स्कीम के प्रणाली में, जिसके असरान्त लेखाओं का रखा जाता, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का सन्वाद, लेखाओं का अन्तरण, नियोजन प्रभारी का सन्वाद आदि भी है, दूसरे बाले सभी व्ययों का बहुत द्वारा किया जायेगा।

4. नियोजक, केन्द्रीय सरकार द्वारा यथा अनुमोदित सामूहिक बीमा स्कीम के नियमों की एक प्रति, और तब कभी उनमें संशोधन किया जाए, तब उस संशोधन को प्रति सभा कर्मचारियों की बहुसंख्या भी भावा में उसको मुक्त बातों का अनुबाद, स्थापन के सूचना पट्ट पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन कुछ प्राप्त किसी स्थापन की भविष्य निधि का पहले ही सबस्थ है, उसके सूचना में नियोजित किया जाता है तो नियोजक मामूलिक बीमा सबस्थ स्कीम के रूप में उसका नाम सुरक्षा दर्ज करेगा और उसकी बाबत आवश्यक प्रीमियम भारतीय जीवन बीमा नियम को सद्दन करेगा।

6. यदि कामूलिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध कायदे बढ़ावे जाते हैं तो, नियोजक उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध कायदों में ममुलित रूप से धृढ़ि हो जाने की व्यवस्था करेगा जिसमें कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध कायदे उन कायदों से अधिक अनुकूल हों, जो उक्त स्कीम के अधीन अनुकूल हैं।

7. सामूहिक बीमा स्कीम में किसी बात के होते हुए भी, यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन सन्देश रकम उस रकम से कम है जो कर्मचारी को उस दशा में सदेश होती जब वह उक्त स्कीम के अधीन होता है, तो नियोजक कर्मचारी के विधिक बारिस/नामनिटेशनी को प्रतिकर के रूप में दोनों रकमों के अनुपर उक्त रकम का सन्वाद देगा।

8. सामुहिक ईमीम के उपबन्धों में कोई भी संशोधन, प्रादेशिक भविष्य निवि आयुक्त, देहली के पूर्व अनुग्रहन के बिना नहीं किया जाएगा और जहाँ किसी संबंधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभवता हो वहाँ, प्रादेशिक भविष्य निवि आयुक्त, अपना अनुमोदन देने से पूर्व, कर्मचारियों को अपना इटिकोन स्पाल करने का युक्तियुक्त बहसर देगा।

9. यदि किसी कारणबन्ध, स्थापन के कर्मचारी, भारतीय जीवन बीमा निगम की उम सामुहिक बीमा स्कीम के, जिसे स्थापन पहले अपना चुना है, अधीन नहीं रह जाते हैं, या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति से कम हो जाते हैं, तो यह छूट रद्द की जा सकती है।

10. यदि किसी कारणबन्ध, नियोजक भारतीय जीवन बीमा निगम द्वारा नियत सारीख के भीतर प्रेमियम का सन्दाय करने में असफल रहता है, श्री पालिसी को व्यपगत हो जाने दिया जाता है, तो यह छूट रद्द की जा सकती है।

11. नियोजक द्वारा प्रेमियम के सन्दाय में किए गए किसी अतिक्रम की वजा में, उन भूत सदस्यों के नामनिर्देशिकियों या विधिक बारिसों को जो यदि यह छूट न दी गई होती तो उन्न स्कीम के अन्तर्गत होती, बीमा फायदों के सन्दाय का उल्लंघनित्व नियोजक पर होगा।

12. इस स्कीम के अधीन आने वाले किसी रावद्य की मृत्यु होने पर भारतीय जीवन बीमा निगम, बोमाफ्लू राशि के हफ्तावार नामनिर्देशिकी विधिक बारिसों को उस राशि का सन्दाय तत्परता से भार प्रत्येक दशा में हर प्रकार से पूर्ण दावे की प्राप्ति के एक भास के भीतर मुनिष्वित करेगा।

[संख्या: एस-35014/64/83-पी एफ-2/एस प्र-2]

S.O. 2957.—Whereas Messrs Shri Ram Vanaspali Manufacturing Works, (formerly known as D.C.M. Vanaspali Manufacturing Works) Shivaji Marg, P. O. Box No. 6219, New Delhi-15(DL-96) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2B) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the regular employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Scheme of the Life Insurance Corporation of India in the nature of life insurance which are more favourable to such employees than the benefits admissible under the Employees' Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2B) of section 17 of the said Act and in continuation of the notification of the Government of India in the Ministry of Labour, S.O. 2004 dated the 14-4-1983 and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the regular employees of the said establishment from the operation of all the provisions of the said Scheme for a further period of three years with effect from 30-4-1986 upto and inclusive of the 29-4-1989

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Delhi and maintain such accounts and provide such facilities for inspection as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishments, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner, Delhi and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of the sum assured to the nominee/ legal heirs of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respects.

[No. S-35014/64/83-PF. II-SS. II]

नई दिल्ली, 6 अगस्त, 1986

का. आ. 2958:—भाग द्वितीयेमी, 14 महाराष्ट्रा गांधी रोड, बंगलौर-560001 (के. प.न./10639) (जिसे इसमें दिए गए प्रत्यारूप स्थापन कहा गया है) ने कर्मचारी भविष्य निवि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) (जिसे इसमें दिए गए प्रत्यारूप स्थापन कहा गया है) की भाग 17 की उम्मारा (2क) के अधीन छूट दिये जाने के लिए प्रविद्ध किया है।

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी, किसी पृष्ठक अधिनियम या प्रीमियम का संदाय किये जिना ही, भारतीय जीवन बीमा निगम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में कायदे उठा रहे हैं और ऐसे कर्मचारियों के लिए ये कायदे उन फायदों से अधिक अनुकूल हैं जो कर्मचारी निषेप सहबद बीमा स्कीम, 1976 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन उन्हें अनुज्ञय हैं।

प्रत्यक्ष केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा, (2क) द्वारा प्रदत्त समितियों का प्रयोग करते हुए और इससे उपाय अनुमूल्य में विनिविष्ट शर्तों के अधीन रहते हुए, उक्त स्थापन को तीन वर्षों की अवधि के लिए उक्त स्कीम के सभी उपबन्धों के प्रबंधन से छूट देती है।

अनुमूल्य

1. उक्त स्थापन के संबंध में नियोजक प्रादेशिक भविष्य निधि आयुक्त, कर्नाटका को ऐसी विवरणियां भेजेगा और ऐसे लेखा रखेगा तथा निरीक्षण के लिए ऐसी सुविधायें प्रवान करेगा जो केन्द्रीय सरकार, समय समय पर निविष्ट करे।

2. नियोजक, ऐसे निरीक्षण प्रभारों का प्रत्येक मास की समाप्ति के 15 दिन के भीतर संदाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा-17 की उपधारा (3क) के घंड (क) के अधीन समय समय पर निविष्ट करे।

3. सामूहिक बीमा स्कीम के प्रशासन में, जिसके अंतर्गत लेखाओं का रखा जाना, विवरणियों का प्रमुख किया जाना, बीमा प्रीमियम का संदाय, लेखाओं का अंतरण, निरीक्षण प्रभारों का संदाय आदि भी है, होने वाले सभी व्यष्टियों का बहुत नियोजन द्वारा दिया जाएगा।

4. नियोजन, केन्द्रीय सरकार द्वारा अनुमोदित सामूहिक बीमा स्कीम के नियमों की एक प्रति और जब कभी उनमें संशोधन किया जाये, तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भावा में उसकी मुख्य बारों का अनुवाद स्थापन के सूचनान्पत्र पर प्रदर्शित करेगा।

5. प्रति कोई ऐसा कर्मचारी जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले ही सवस्य है, उसके स्थापन में नियोजित किया जाता है तो, नियोजक सामूहिक बीमा स्कीम के सवस्य के रूप में उसका नाम तुरन्त बर्ज करेगा और उसकी बाबत आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को संबत करेगा।

6. प्रति उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध कायदे बद्दाये जाते हैं तो, नियोजक सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध कायदों में सम्मुत रूप से वृद्धि किये जाने की अवस्था करेगा जिससे कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध कायदे उन फायदों से अधिक अनुकूल हों जो उक्त स्कीम के अधीन अनुज्ञय हैं।

7. सामूहिक बीमा स्कीम में किसी बात के होते हुए भी यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन संवेद रकम उस रकम से कम है जो कर्मचारी को उस वार्ष में मंवेद होती जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विविध बारिस/नाम निर्वेणिती को प्रतिकर के रूप में दोनों रकमों के अंतर के बराबर रकम का संदाय करेगा।

8. सामूहिक बीमा स्कीम के उपबन्धों में कोई भी संशोधन प्रावेशिक भविष्य निधि आयुक्त, कर्नाटका के पूर्ण अनुमोदन के बिना नहीं किया जाएगा और जहां किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो, वहां प्रावेशिक भविष्य निधि आयुक्त अपना अनुमोदन देने से पूर्ण कर्मचारियों को अपना बृहितों स्पष्ट करने का युक्ति-युक्त अवसर देगा।

9. प्रति किसी कारणबश स्थापन के कर्मचारी भारतीय जीवन बीमा निगम की उस सामूहिक बीमा स्कीम के, जिसे स्थापन पहले अपना लिया है अधीन नहीं रह जाते हैं या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले कायदे किसी रीत से कम हो जाते हैं तो, यह छूट रह की जा सकती है।

10. प्रति किसी कारणबश नियोजक उस नियत तारीख के भीतर जो भारतीय जीवन बीमा निगम नियत करे, प्रीमियम का संदाय करने में असफल रहता है और पॉलिसी को अपग्रेड हो जाने विधा जाता है तो, यह छूट रह की जा आ सकती है।

11. नियोजक द्वारा प्रीमियम के संदाय में किये गये किसी व्यतिक्रम की दशा में उस मृत सदस्यों के नाम निर्देशितियों या विविध बारिसों को जो यदि यह छूट न वी गई होती तो, उस स्कीम के अंतर्गत होते बीमा कायदों के संदाय का उत्तरदायित्व नियोजक पर होगा।

12. उक्त स्थापन के संबंध में नियोजक इस स्कीम के अधीन आने वाले किसी सवस्य की मृत्यु होने पर उसके हक्कावार नाम निर्देशितियों/विधिक बारिसों को बीमाहृत रकम का संदाय तापतता से और प्रत्येक वर्षा में भारतीय जीवन बीमा निगम से बीमाहृत रकम प्राप्त होने के एक मास के भीतर सुनिश्चित करेगा।

[संख्या एस - 35014/210/86-एस. एस.-2]

New Delhi, the 6th August, 1986

S.O. 2958.—Whereas Messrs Taj Residency, 14 Mahatma Gandhi Road, Bangalore-560001 (KN/10639) (hereinafter referred to as the said establishment) have applied for exemption under Sub-section (2A) of Section 17 of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees' Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a period of three years.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Karnataka and maintain such accounts and provide such facilities for inspection as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishments, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language or the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner, Karnataka and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of the sum assured to the nominee/legal heirs of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respects.

[No. S-35014/210/86-ES. II]

का. घा. 3959.—मैसेंस-इंडियन आईस्टक हैंडल्ट्रीज, मुकनलाल वैटर नदीमत पौबाइट, बम्बई-21 (एम. एच/4395) (जिसे इसमें इसके पश्चात् उक्त स्थापन कहा गया है) से कर्मचारी भविष्य निधि और प्रक्रीये उपचार्य अधिनियम, 1952 (1952 का 19) (जिसे इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन कृष्ट विधि जाने के लिए आवेदन किया है;

और केन्द्रीय सरकार का समाधान ही गया है कि उक्त स्थापन के कर्मचारी किसी प्रथक् भाविष्यावाय या ग्रीमियम का संदर्भ किए बिना ही, भारतीय जीवन बीमा निगम की जीवन बीमा स्कीम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में जो फायदे उठा रहे हैं वे ऐसे कर्मचारियों को उन फायदों से अधिक अनुकूल हैं जो उन्हें कर्मचारी निधेप सहबद्ध बीमा स्कीम, 1976 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन अनुशेष हैं;

प्रतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रदत्त गतिसर्पणों का प्रयोग करते हुए और भारत सरकार के

अमंत्रालय की दाखिलना संख्या का. घा. 1902 तारीख 2-4-1983 के इन्द्रानीरा में और इससे उपायकरण अनुमति में विनिविट शर्तों के अधीन रखे बृह उक्त स्थापन को, 6-4-1986 से तीन वर्ष की भविष्य के लिए तिप्रमें 5-4-1989 ती समिलित है, उक्त स्कीम के सभी उपदर्शकों के प्रवर्तन से कृष्ट बत्ती है।

ग्रन्तसूची

1. उक्त स्थापन के संबंध में नियोजक प्रारेणिक भविष्य निधि अनुमति महाराष्ट्र को ऐसी विवरणिया भेजेगा और ऐसे लेखा रखेगा तथा निरीक्षण के लिए ऐसी गुविधाएं प्रदान करेगा जो केन्द्रीय सरकार रामयनमय पर विदिष्ट करे।

2. नियोजक, ऐसे निरीक्षण प्रभारों का प्रत्येक मास की समाप्ति के 15 दिन के भीतर संबोध भरेगा जो केन्द्रीय सरकार, उक्त भविष्य नियम की धारा 17 की उपधारा (3क) के अंत (क) के अधीन समय समय पर निविष्ट करे।

3. गामुहिक बीमा स्कीम के प्रशासन में, जिसके अंतर्गत लेखाओं का रखा जाता, विवरणियों द्वारा प्रस्तुत किया जाता, बीमा ग्रीमियम का संदर्भ लेखाओं का विवरण, निरीक्षण प्रभारों का संदर्भ द्वावि भी है, होने वाले सभी व्ययों का बहुन नियोजक द्वारा किया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा यथा अनुमोदित सामूहिक बीमा स्कीम के नियमों की एक प्रति, और जब कभी उनमें संशोधन किया जाए, तब उस संशोधन की प्रति तथा कर्मचारियों की वहुसंख्या की भाषा में उक्ती मुख्य शर्तों का अनुवाद, स्थापन के सूचना-पट्ट पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन कृष्ट प्राप्त किसी स्थापन की भविष्य निधि का पहले ही भविष्य है, उसके स्थापन में नियोजित किया जाता है तो नियोजक सामूहिक बीमा स्कीम के सदस्य के स्पष्ट में उसका नाम सुन्भव वर्ज करेगा और उसकी भावत भावयक ग्रीमियम भारतीय जीवन बीमा निगम को संबंध बनायेगा।

6. यदि सामूहिक बीमा स्कीम के ग्रधोग कर्मचारियों को उपलब्ध फायदे जाते हैं तो नियोजक उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में समुचित रूप से वृद्धि की जाने की व्यवस्था करेगा जिसमें कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के ग्रधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हैं; जो उक्त स्कीम के अधीन अनुभेद्य हैं।

7. सामूहिक बीमा स्कीम में किसी बात के होने हुए भी, यदि किसी कर्मचारी की भव्य पर इस स्कीम के ग्रधीन संदेश रकम उक्त रकम से कम है जो कर्मचारी को उस बात में संभव द्वावि अब वहु उक्त स्कीम के ग्रधीन होता तो, नियोजक कर्मचारी के विधिक बारिस/नामनिर्देशियों को प्रतिकर के स्पष्ट में दोनों रकमों के अंतर के बराबर रकम का संदर्भ करेगा।

8. सामूहिक स्कीम के उपबन्धों में कोई भी संशोधन, प्रावेशिक भविष्य निधि शामुक महाराष्ट्र के पूर्व अनुमोदित के बिना नहीं किया जाएगा और जहां किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पहने को संभावना हो वहां, प्रावेशिक भविष्य निधि शामुक अवना अनुमोदित देने से पूर्व कर्मचारियों को अपना दृष्टिकोण दृष्टि करने की युक्तियुक्त प्रवसर केगा।

9. यदि किसी कागजवाला, स्थापन के कर्मचारी, भारतीय जीवन बीमा निगम की उम सामूहिक बीमा स्कीम के जिसे स्थापन पहले अपना चुका है, ग्रधीन नहीं रह जाने हैं, या इस स्कीम के ग्रधीन कर्मचारियों को प्राप्त हीने आये फायदे किसी रीत से कम हो जाने हैं, तो यह कृष्ट रद्द की जा सकती है।

10. यदि किसी कारणबाट, नियोजक भारतीय जीवन बीमा निगम द्वारा नियम तारीख के भीतर प्रीमियम का संशय करने में असहमत रहता है, और पालिसी को व्यवगत हो जाने दिया जाता है तो छूट रद्द को जा सकती है।

11. नियोजक द्वारा प्रीमियम के संशय में फिर गए, किसी व्यक्तिका की दशा में, उन मृत सवार्थों के नापनिर्देशियों या विधिक वारिनों का गोपयिता यह, छूट म. दी. गई होता है तो उक्त स्कीम के अंतर्गत दूर्लभ, भीमा काफिरों के संशय का उत्तराधित्र नियोजक पर होता।

12. इस स्कीम के प्रवीन ग्राने वाले किसी सवार्थ की मृत्यु होने पर भारतीय जीवन बीमा निगम, भीमाकृत राशि के दूर्लभ नापनिर्देशिय/विधिक वारिनों को उस राशि का संशय तत्वतः से और प्रत्येक रोज़ और दशा में हर प्रकार से पूर्ण रावे को प्राप्ति के एक मात्र के भोतर सुनिश्चित करेगा।

[गंधा. प्रस- 35014(78)/83-पी. एफ. - 2/एस. एस-2]

S.R. 2959.—Whereas Messrs Indian Dyestuff Industries, Mafatlal Centre, Nariman Point, Bombay-21 (MH/4395) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of section 17 of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act).

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Scheme of the Life Insurance Corporation of India in the nature of life insurance which are more favourable to such employees than the benefits admissible under the Employees' Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and in continuation of the notification of the Government of India in the Ministry of Labour, S.O. 1902 dated the 2-4-1983 and subject to the conditions specified in the Schedule annexed hereto the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a further period of three years with effect from 6-4-1986 upto and inclusive of the 5-4-1989.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Maharashtra and maintain such accounts and provide such facilities for inspection as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premium, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishments, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language or the majority of the employer.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner, Maharashtra and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium, etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of the sum assured to the nominees/legal heirs of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respects.

[No. S-35014(78)/83-PF. 2-SS-2]

वा. आ. 2960.—प्रीमियम कोहम्बेटूर ज़िला की आपरेटिव मिल प्रोड्यूसर्स यूनियन लि., बैंस्ट ममवतदेप रोड, आर. एस. पुरम, कोहम्बेटूर-2 (टी. प्ल/2614-ए) (जिसे इसमें इसके पश्चात् उक्त स्थापन पहाड़ गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिए जाने के लिए आवेदन किया है।

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी किसी पृथक भविष्याय या प्रीमियम का संशय किए जिना ही, भारतीय जीवन बीमा निगम की जीवन बीमा स्कीम की सम्बुद्धि बीमा स्कीम के अधीन जीवन बीमा के रूप में जो कायदा उठा रहे हैं के ऐसे कर्मचारियों को उन कायदों से अधिक अनुकूल हैं जो उहमें कर्मचारी निकेप सहनद बीमा स्कीम, 1976 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के प्रवीन अनुज्ञेय हैं।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रवत् याकियों का प्रयोग करने सुन् और भारत सरकार के अम मंत्रालय की अधिसूचना संघा का. आ. 3685 तारीख 19-7-1983 के अनुसार में और इससे उपबन्ध अनुसूची में विनियिट शर्तों के अधीन रहने सुन् उक्त स्थापन को, 24-9-1986 से तीन वर्ष की अवधि के लिए जिसमें 23-9-1989 तीमि सम्मिलित है, उक्त स्कीम के सभी उपबन्धों के प्रवत्स से छूट देती है।

अनुमति

1. उक्त स्थापन के सम्बन्ध में निम्न विवरण अधिक्षित निधि आयुक्त, नमिन नदू को ऐसे विवरणियाँ भेजेगा और ऐसे लेखा रखेगा तथा निरीक्षण के लिए ऐसी सुविधाएं प्रशान करेगा जो केन्द्रीय सरकार समय-समय पर निर्दिष्ट करे।

2. नियोजक, ऐसे निरीक्षण प्रभारों का प्रत्येक मास की समाप्ति के 15 दिन के भीतर सन्दाय प्राप्त करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धरा 17 की उप-धरा (उक्त) के खण्ड (क) के अधीन समय-समय पर निर्दिष्ट करे।

3. सामूहिक बीमा स्कीम के प्रणाली में, जिसके अन्तर्गत लेखाओं द्वारा जनन, विवरणियों का प्रस्तुत किया जाता, बीमा प्रीमियम का सन्दाय लेखाओं का अन्तरण, निरीक्षण प्रभारों का सन्दाय अद्वितीय ही है, होने वाले सभी व्ययों का पहले नियोजित द्वारा किया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा यथा अनुमतिवाल समूहिक बीमा स्कीम के नियमों की एक प्रति, और जय कमी उनमें संशोधन किया जाए, तब उस संशोधन की प्रति तथा कांच नियों की बद्धसंबंध की भाषा में उसकी मुख्य बातों की अनुमति, स्थापन के सूचना-पूर्ण पर प्रदर्शित करेगा।

5. यदि कोई ऐसा पर्वतारी जो कर्मचारी भविष्य निधि को या उक्त अधिनियम के अधीन छुट प्राप्त कियी स्थापन की अधिक्षित निधि का पहले ही सदस्य है, उसके स्थापन में नियोजित किया जाता है तो नियोजित सामूहिक बीमा स्कीम के सदस्य के रूप में उनका नाम तुलन दर्ज करेगा और उसकी बाबत आवश्यक प्रीमियम भारतीय जीवन बीमा नियम को सन्दर्भ करेगा।

6. यदि सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध कायदे बढ़ाये जाते हैं तो, नियोजक उक्त स्कीम के व्यवस्था कर्मचारियों का उपलब्ध कायदों में गमनित रूप से वृद्धि की जाने की वारदाय होगा, यिस से कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध कायदे उन कायदों से अधिक अनुकूल हों, जो उक्त स्कीम के अधीन अनुग्रह हैं।

7. सामूहिक बीमा स्कीम में हिन्दी बात के होने सुन भी, यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन सन्तोष सदृश उप रुप में काम है जो बर्मनी को उत्तर दिया जाता है तब उक्त स्कीम के अधीन होता है, तो, नियोजक कर्मचारी के विधिक वार्तान्/नामनिर्देशनों को प्रतिक्रिया के रूप में उनके राज्यों के जल्द के प्रत्यक्ष रूप का सन्दर्भ करेगा।

8. सामूहिक बीमा स्कीम के उपलब्धों में कोई भी संशोधन, प्रादेशिक भविष्य आयुक्त, नमिन नदू के पूर्व अनुमतिन के दिन नहीं किया जाएगा और जहाँ किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना होती जहाँ, प्रादेशिक भविष्य निधि आयुक्त, प्रमाण अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्थान करने का युक्तियुक्त अवधार देगा।

9. यदि किसी काशग्राव, स्थापन के कर्मचारी, भारतीय जीवन बीमा नियम की उप सामूहिक बीमा स्कीम के लिए स्थापन पदों परावर चुना है, अधीन नहीं रह जाते हैं, यह इस स्कीम के व्यवस्था कर्मचारियों को प्राप्त होने वाले कायदे किसी रीति से कम हो जाते हैं, तो यह छुट रह की जा सकती है।

10. यदि किसी काशग्राव, नियोजक भारतीय जीवन बीमा नियम द्वारा नियत सारिक के भीतर प्रीमियम का सन्दाय करने में अव्यक्त रहता है, और परिसी का अव्यक्त हो जाते हैं, तो छुट रह की जा सकती है।

11. नियोजक द्वारा प्रीमियम के सन्दर्भ में ऐसे गय किसी अपेक्षित बीमा में उन मृत सदस्यों के नामनिर्देशियों या विधिक वार्ताओं को

जो उन छुट की भवि द्वारा न उपलब्ध करती थीं, वीका नामनिर्देशित द्वारा पर होता।

12. इस नियम के अन्तर्गत यों की दिए विवरण न उपलब्ध होने पर भारतीय जीवन बीमा स्कीम द्वारा नवीनीकरण/विवरण वार्ताओं द्वारा रखी जाने वायर सन्दाय के अधीन समय-समय पर निर्दिष्ट करे।

[संज्ञा-ए-35014(95)/83-पा.एफ.-2/एन.एम-2]

S.O. 2960.—Whereas Messr. The Coimbatore District Co-operative Mills Producers Union Limited, West Sambandam Road, R. S. Puram, Coimbatore-2 (TN/2614-A) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act).

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of life insurance which are more favourable to such employees than the benefits admissible under the Employees' Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and in continuation of the notification of the Government of India in the Ministry of Labour, S. 3663 dated the 19-7-83 and subject to the conditions specified in the Schedule annexed hereto the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a further period of three years with effect from 24-9-1986 upto and inclusive of the 23-9-1989.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Tamil Nadu and maintain such accounts and provide such facilities for inspection as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishments, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language or the majority of the employer.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his osibhilit, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay the necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately. If the benefits available to the employees under the said Scheme are enhanced so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the

amount payable under this scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner, Tamil Nadu and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium, etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of the sum assured to the nominees/ legal heirs of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respects.

[No. S-35014/95/83-PF. II-SS. II]

का.प्रा. 2961.—गर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त नियमों का प्रयोग करते हुए, केन्द्रीय सरकार एतम्भारा 10 अगस्त, 1986 को उस तारीख के रूप में नियम करती है, जिसको उक्त अधिनियम के अध्याय 4 (धारा 44 और 45 के नियम जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय 5 और 6 [धारा 76 की उपधारा (1) और धारा 77, 78, 79 और 81 के नियम जो पहले ही प्रवृत्त की जा चुकी है] के उपर्युक्त उक्त राज्य के नियमित लेव में पवृत्त होंगे, अर्थात् :—

“तहसील एवं जिले के नियमों में राजस्वान ग्राम डेन्कनल टाउन (निजगढ़) अलसुधा, बदसाधियबत्तिया, सनसाधियबत्तिया, बनमालो-प्रसाद, बंकुदाल, भगवानपुर, महिसापत, काथगड़, श्यामचारनपुर, इच्छादेशपुर, कालिहाना, नियमित्या, गुण्डीचापडा, बाबताकाटेनी और केन्द्रियामन के ग्रन्तिग्रात ग्रामों वाले लेव ।”

[संख्या एम-38013/26/86-एस.एस-1]

S.O. 2961.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 10th August, 1986 as the date on which the provisions of Chapter IV [except sections 44 and 45 which have already been brought into force] and Chapters V and VI (except sub-section (1) of section 76 and Section 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Orissa namely :—

“The area comprising the revenue villages of Dhenkanal town (Nizgarh), Alsua, Badasathia batia, Samasathia batia, Banamaliprasad, Bankula, Bhagabhanpur, Mahisapat, Kathagada, Shyamacharanpur, Inchhadeipur, Koriha, Similia, Gundichapada, Babartakateni and Kendukhaman in the Tehsil and District Dhenkanal”.

[No. S-38013/26/86-SS-I]

का.प्रा. 2962.—राज्य सरकार ने कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के खण्ड (प) के अनुसरण में श्री के.एस. जंजुआ के स्वान पर श्री एस.एस. बोपाराई, सचिव पंजाब, स्वास्थ्य एवं कल्याण विभाग की कर्तव रो राज्य बीमा नियम में उस याग का प्रतिनिधित्व करने के लिए नियमित्य किया है।

अतः अब केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के अनुसरण में, भारत सरकार के अम मंत्रालय की अधिकृतम् भव्यता का.प्रा. 545 (प्र), दिनांक 25 जुलाई, 1985 में नियमित्य संशोधन कार्य है, अर्थात् :—

उक्त अधिकृतम् में, “[राज्य भव्यता धारा 4 के खण्ड (प) के अनुसरण नियमित्य]” शब्दों के नामे मध्य 22 के नामों का प्रतिनिधित्व के स्वान पर नियमित्य संशोधन कार्य है, अर्थात् :—

“श्री एस. एस. बोपाराई,

सचिव, पंजाब सरकार,

स्वास्थ्य एवं पर्सोनल कल्याण विभाग,

चांडीगढ़ ।”

[संख्या यू-16012/7/86-एस.एस-1]

ए. के. बट्टराई, अवश सचिव

S.O. 2962.—Whereas the State Government of Punjab has, in pursuance of clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948) nominated Shri S. S. Boparai, Secretary to the Government of Punjab, Health and Family Welfare Department, Chandigarh to represent that State on the Employees' State Insurance Corporation, in place of Shri K. Janjua;

Now, therefore, in pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the the notification of the Government of India in the Ministry of Labour S.O. No. 545(E), dated the 25th July, 1985, namely :—

In the said notification, under the heading “[Nominated by the State Government under clause (d) of section 4]”, for the entry against Serial Number 22, the following entry shall be substituted, namely :—

“Shri S. S. Boparai,
Secretary to the Govt. of Punjab,
Health and Family Welfare Department,
Chandigarh.”

[No. U-16012/7/86-SS. I]
A. K. BHATTARAI, Under Secy.

नई दिल्ली, 31 जुलाई, 1986

का.प्रा. 2963.—ग्रोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, इलाहाबाद बैंक के प्रबंधनकारी से सम्बद्ध नियोजकों द्वारा उनके कर्मकारों के बीच, ग्रन्तिग्रात द्वारा ग्रोगिक विवाद में केन्द्रीय सरकार द्वारा ग्रोगिक अधिकारण कालपुर के पंचायत को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-7-86 को प्राप्त हुआ था ।

New Delhi, the 31st July, 1986

S.O. 2963.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the Allahabad Bank and their workmen, which was received by the Central Government on the 24th July, 1986.

BEFORE SHRI R. B. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT KANPUR.

Industrial Dispute No. 253/85

Reference No. L-12012/286/84-D.II(A) dated 8-7-85
In the matter of dispute between

Shri Bhagwan Dass C/o The Assist. Gen. Secretary, U. P. Bank Employees Union 36/1, Kailash Mandir, Kanpur.

AND

The Dy. General Manager, Allahabad Bank, Hazratganj, Lucknow.

APPEARANCE :

Shri V. N. Sekhri—for the workman.

Shri Rajiv—for the Management.

AWARD

1. The Central Govt. Ministry of Labour vide its Notification No. L-1012/286/84-D.II(A) dated 8-7-85 has referred the following dispute for adjudication to this Tribunal;

"Whether the action of management of Allahabad Bank, Lucknow in denying scaled wages, non regularisation in Bank's services and terminating the services of Shri Bagwan Dass sub-staff with effect from 6-4-82 is justified ? If not, to what relief is the workman entitled ?"

2. Workman submitted his statement of claim and the management filed written statement thereon.

3. At later stage despite notices to the workman Shri Bhagwan Dass is not present. His representative too has no instructions. It appears the workman does not want to proceed with the case.

ORDER

The reference is ordered in negative for non-prosecution. Let no claim Award be ent to the Govt.

Let six copies be sent to the Govt. for its publication.

17-7-80.

R. B. SRIVASTAVA, Presiding Officer
[No. L-12012/286/84-D.II(A)]

का. आ. 2964—श्रीधोरिक विवाद प्रधिनियम, 1947 (1947 का 14) का धारा 17 के अनुसरण में, केन्द्रीय सरकार, इलाहाबाद बैंक के प्रबंधक से सम्बद्ध नियोजकों और उनके कर्मकारों के श्रीम. अनुबंध में निर्विट श्रीधोरिक विवाद में केन्द्रीय सरकार श्रीधोरिक प्रधिकरण कामपुर के पंचायत को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-7-86 को प्राप्त हुआ था।

S.O. 2964.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the Allahabad Bank and their workmen, which was received by the Central Government on the 24th July, 1986.

BEFORE SHRI R. B. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL-CUM-LABOUR COURT KANPUR.

Industrial Dispute No. 8/86

Reference No. L-12012/32/85-D.II(A) dated 20-12-85
In the matter of dispute between :

Shri Bhawan Singh Thapa C/o Shri R. K. Pendey, Authorised Representative, 67/99, Lalkuan, Lucknow.

AND

The Regional Manager, Allahabad Bank, Hazratganj, Lucknow.

AWARD

The Central Government Ministry of Labour vide its notification No. L-12012/32/D.II/85-D.II(A) dt. 20-12-85 has referred the following dispute for adjudication to this tribunal.

"Whether the action of the management of Allahabad Bank in terminating the services of Shri Bhawan Singh Thapa, Sub-staff Allahabad Bank, Gonda with effect from 22-1-80 is fair and justified ? If not, to what relief the workman concerned is entitled ?"

2. Workman submitted his statement of claim and the management filed written statement thereon.

3. At later stage parties submitted settlement verified the same before the court and requested for giving award in terms of the settlement.

4. The case was ordered to be decided in terms of settlement.

5. In consequence of the settlement filed and verified before court award is hereby given in terms of settlement as under :—

TERMS OF SETTLEMENT :

1. It is agreed that the workman concerned Sri Bhawan Singh Thapa will be absorbed afresh with prospective date hereafter in the permanent cadre of Peon-cum-Farrash in terms of settlement dated 13-5-1982 arrived at with the All India Allahabad Bank Employee's Coordination Committee.

2. It is further agreed that the workman concerned said Sri Bhawan Singh Thapa voluntarily relinquishes his claim of back wages and/or benefits what-so-ever.

3. It is further agreed that said Sri Bhawan Singh Thapa will be absorbed as aforesaid within one-month of this settlement.

4. Thus this fully and finally resolves the entire matter of dispute under reference.

I, therefore give my settlement award accordingly.

Let six copies be sent to the government for its publication.

Dt. 18-7-86

R. B. SRIVASTAVA, Presiding Officer
[No. L-12012/32/85-D.II(A)]

का. आ. 2965.—आधोगिक विवाद भवित्वम्, 1947 (1947 का 14) की शारा 17 के प्रत्युत्तर में, केन्द्रीय सरकार, इलाहाबाद बैंक के प्रबंधसंघ से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आधोगिक विवाद में केन्द्रीय सरकार आधोगिक भवित्वरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-7-86 को प्राप्त हुआ था।

S.O. 2965.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (1 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the Allahabad Bank and their workmen, which was received by the Central Government on the 24th July, 1986.

BEFORE SHRI R. B. SRIVASTAVA PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT KANPUR.

Industrial Dispute No. 4/86

Reference No. L-12012/30/85-D-II (A) : dated 20-12-85

In the matter of dispute between :

Shri Mohd. Azmal C/o Shri R. K. Pandey, Authorised Representative, 67/99, Lalkuan, Lucknow.

AND

The Regional Manager, Allahabad Bank, Hazratganj, Lucknow.

AWARD

The Central Government Ministry of Labour vide its notification No. L-12012/30/85-D-II (A) dt. 20-12-85 has referred the following dispute for adjudication to this tribunal.

“Whether the action of the management of Allahabad Bank in terminating the services of Md. Azmal, Ex-peon cum Farrash, Colonalganj Branch of Allahabad Bank, Gonda, with effect from 2-20-82 is legal and justified? If not, to what relief the workman concerned is entitled?”

Workman submitted his statement of claim and the management filed written statement thereon.

3. At later stage parties submitted settlement verified the same before the court and requested for giving award in terms of settlement.

4. The case was ordered to be decided in terms of settlement.

S. In consequence of the settlement filed and verified before court award is hereby given in terms of settlement as under.

TERMS OF SETTLEMENT

1. It is agreed that the workman concerned Sri Mohd. Azmal will be absorbed afresh with prospective date hereafter in the permanent cadre of Poencum-Farrash in terms of settlement dated 12-5-1982 arrived at with the all India Allahabad Bank Employee's Coordination Committee.

2. It is further agreed that the workman concerned said Sri Mohd. Azmal voluntarily relinquishes his claim of back wages and/or benefits what-so-ever.

3. It is further agreed that said Sri Mohd. Azmal will be absorbed as aforesaid within one month of this settlement.

4. Thus this fully and finally resolves the entire matter of dispute under reference.

I therefore give my settlement award accordingly.

Let six copies be sent to the Government for its publication.

R. B. SRIVASTAVA, Presiding Officer
[No. L-12012/30/85-D-II(A)]

नई दिल्ली, 1 अगस्त, 1986

का. आ. 2966—आधोगिक विवाद भवित्वम्, 1947 (1947 का 14) की शारा 17 के प्रत्युत्तर में, केन्द्रीय सरकार, इलाहाबाद बैंक के प्रबंधसंघ से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आधोगिक विवाद में केन्द्रीय सरकार आधोगिक भवित्वरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-7-86 को प्राप्त हुआ था।

New Delhi, the 1st August, 1986

S.O. 2966.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the Allahabad Bank and their workmen which was received by the Central Government on the 24th July, 1986.

BEFORE SHRI R. B. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVT. INDUSTRIAL CUM LABOUR COURT KANPUR.

Industrial Dispute No. 231/85

Reference No. L-12012/28/84D-II.(A) dated 6-8-84

In the matter of dispute between :

Shri Rama Kant C/o P. N. Tewari, Gen. Secretary, UPBEU, 165 Sohbatia Bagh, Allahabad.

AND

The Deputy General Manager, Allahabad Bank Hazratganj, Lucknow.

AWARD

The Central Government Ministry of Labour vide its notification no. L-12012/28/84-D-II(A) dt. 8th August 1984 has referred the following dispute for adjudication to this tribunal;

Whether the action of the management of Allahabad Bank Lucknow in relation to their Hargash Branch Distt. Mirzapur in terminating the services of Shri Kant Peon cum farrash w.e.f. 23-9-82 is justified? If not to what relief is the concerned workman entitled?

2. Workman submitted his statement of claim and the management filed written statement thereon.

3. At later stage parties submitted settlement verified the same before the court and requested for giving Award in terms of the settlement.

4. In consequence of the settlement filed and verified before court Award is hereby given in terms of settlement as under :—

TERMS OF SETTLEMENT :

1. It is agreed that the workmen concerned Sri Rama Kant will be absorbed with prospective date here after in the permanent vacancy of Peon-cum-Farrash in terms of settlement dated 13/05/1982 arrived at between the management of Allahabad Bank and All India Allahabad Bank Employee's co-ordination Committee.

2. It is further agreed that the workmen concerned said Sri Rama Kant voluntarily relinquishes his claim of back wages, dues of past services or any right or claim of any benefits connected with past services under the reference.

3. It is further agreed that Sri Rama Kant will submit Bank's printed application form duly completed seeking permanent employment in the Bank's service in the cadre of Peon-Cum-Farrash within a week of this settlement.

4. It is further agreed that Sri Rama Kant will be absorbed as aforesaid within 20 days of submission duly completed Bank's printed application.

5. Thus this fully and finally resolves the entire disputes, in reference No. 231/85. I, therefore give my settlement Award accordingly.

Let six copies be sent to the Govt. for publication.

Dt. 17-7-86.

R. B. SRIVASTAVA, Presiding Officer
[No. L-12012/28/84-D-II(A)]

का.प्र. 2967.—जीवोपिक विवाद प्रधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, कर्त्तव्य सरकार, व. नियम बैंक बाफ हॉटेल के ग्रेडेनेशन में सचिव नियोजकों और उनके कर्मकारों के बीच, अनुबंध में नियिट आधारित त्रिवाद में कर्तव्य सरकार औपरांति प्रधिकरण कानपुर के पास बाप्रांतिकरण करती है, जो फौजीय सरकार को 24-7-86 का प्राप्त हुआ था।

S.O. 2967.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the Union Bank of India and their workmen, which was received by the Central Government on the 24th July, 1986.

BEFORE SHRI R. B. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, KANPUR

Adjudication Case No. 242/1985

Reference No. L-12012/145/84-D-II(A) dt. 16th April, 85.

In the matter of dispute between :

Shri Musafir Ram C/o The General Secretary UBEU C/o Union Bank of India Hotel Gulguru, Aminabad, Lucknow,

AND

The Assistant General Manager, Union Bank of India Hotel Clark's Awadh Mahatma Gandhi Marg, Lucknow.

APPEARANCE :

Shri Brijpal Shukla—for the workman.

Shri S. N. Mehra—for the Management.

AWARD

1. The Central Government Ministry of Labour, vide its notification No. L-12012/145/84-D-II(A) dated 16th April, 1985 has referred the following dispute for adjudication to this tribunal for adjudication;

Whether the action of the management of Union Bank of India not confirming Shri Musafir Ram, Clerk Cashier on expiry of probationary period w.e.f. 23rd December, 1981 is justified? If not, to what relief is the concerned workman entitled?"

2. It is commonly agreed that the workman was a sub-staff of the management bank and was promoted as clerk after test and interview. The letter of test and interview is ext. 1 on record which shows that a written test was to take place on 28th December 1980 and interview on 29th December, 1980. It was specifically mentioned that the fact you are being called for personal interview on the following or subsequent day does not mean that you have qualified the written test. It was further mentioned that in case you belong to scheduled caste or scheduled tribe you are advised to carry with you a certificate from a competent authority to the fact that you belong to scheduled caste/scheduled tribe community. On the basis of the test and interview the appointment letter dated 12th May, 1981 was issued to the workman from the head office Bombay to the workman with copies to various branches, divisional manager and regional manager with a clause that the workman was to remain on probation for a period of six months from the date he was to report for work as clerk. He was to be posted as cashier-cum-clerk at Chinchwad. It appears that this letter was not given to the workman Shri Musafir Ram but copy reached to the AGM Verona and it was from the zonal office that a letter dated 3rd June, 1981 was sent to Ghaziabad main branch enclosing the said appointment letter dated 12th May, 1981. In this it was mentioned that the same was to be handed over to the workman under proper acknowledgement and

that it was directed to relieve him to report at the branch of his posting. It was further mentioned as follows :

In respect of the above mentioned staff we have to inform you that there is no caste certificate on our record before relieving promotion in his favour you are requested to instruct him to produce the caste certificate from the competent authority and after satisfying with the same you may release promotion order in his favour. You are also requested to forward us enquired copy of the caste certificate of the workman of Mr. Musafir Ram for our records.

3. The workman was working in the bank as scheduled caste candidate. The management witness Shri S. N. Mehra has admitted in his cross examination that the workman was working as class 4 employee of the management as scheduled caste candidate, even then it was necessary for him to file the certificate of being scheduled caste from the competent authority. The rider for appearing in the interview was to bring a certificate from a competent authority to the effect that the candidate belong to schedule caste. It is a matter of common knowledge that the competent authority for issuing such certificate is district magistrate or to whom he delegates his power to that effect. It transpires from the statement of the management witness that the workman was given the promotion order and he joined the clerical cadre, from 22nd June, 1981. Normally he would be completing six months on 22nd December, 1981 and in the normal course after his probation is not extended beyond six months in view of the provision 495 of the Sastri Award he will be deemed to be confirmed on 23rd December, 1981 which is the case of the workman. The workman has nowhere has shown that he filed required certificate of scheduled caste from the competent authority before joining the clerical cadre on 22nd June, 1981. In the absence of the same the appointment would not be valid good and binding for want of necessary documents going to the root of the appointment. It appears that the workman had not given the said certificate till 22nd June, 1981 and it was on that count that a letter was issued to him by the management on 1st February, 1982 from the personnel department Bombay to the workman drawing his attention to the letter issued by branch manager Ghazipur and also by the Regional Manager's office in which he was required to submit a certificate of being scheduled caste as he was given promotion from his substantive appointment only on this count that he would produce certificate of scheduled caste from a competent authority. The said workman has failed to produce the said certificate despite expiry of six months hence the management calls upon him as to why he should not be reverted to his substantive cadre of the sub-staff in case a satisfactory reply is not received within 7 days from the receipt of this letter thus the appointment given vide letter dated 12th May, 1981 will be recalled and he will be reverted to his substantive cadre. It appears that the workman did submit the required letter within the stipulated time and hence his regular appointment came in effect some time between first to seventh February. The workman was admitted confirmed w.e.f. 1st July, 1982 vide letter ex. 2. On 13th March, 1982 the workman was given a letter ext. W-1, whereby his probation was extended for another six months period from 22nd December, 1981 on which day he had completed six months without giving certificate of SC from the competent authority. This extension was on the ground that he was found slow in work and should show improvement in his work normally this extension should have been given before 22nd December, 1981 i.e. before the expiry of six months probation counting from 22nd June, 1981. His working till 22nd December, 1981 was in view of appointment order which was not complied at all force and was lacking on account of scheduled caste certificate from the competent authority. That discrepancy was completed some times in February, 1982 when his appointment became regular and the management was justified to extend his probation of six months as a matter of fact the probation started from the date he submitted required certificate. The workman was admittedly confirmed within six months w.e.f. 1st July, 1982.

4. The workman did not appear in the witness box and on his behalf Shri Pratap Shukla Deputy General Secretary of the union had given his affidavit evidence. He has stated in his cross examination that he had no knowledge if the work-

man submitted any caste certificate from Harijan Kalyan Adhikari or of competent authority as required.

5. In these circumstances and for the reasons discussed above, I hold that the action of the management was justified in not confirming Shri Musafir Ram Clerk Cashier w.e.f. 23rd December, 1981. The result is that he is not entitled to any relief as claimed.

6. I therefore, give my award accordingly.

7. Let six copies of this award be sent to the Government for its publication.

Dt. 18-7-86

R. B. SRIVASTAVA, Presiding Officer
[No. L-12012/145/84-D. II(A)]

का.ना. 2966.—भौद्धोगिक शिवार अधिनियम, 1947 (1947 का 14) का धारा 17 के अनुसार में, कर्मान्वय संस्कार, भौद्धोगिक स्टेट एके के प्रबंधतव से सम्बद्ध नियावकों और उनके कर्माकारों के बीच अनुबंध में निर्विष्ट भौद्धोगिक विधाव में केन्द्राय सरकार भौद्धोगिक अधिकारण, कामपुर के पचाट का प्रकाशित करता है, जो केन्द्राय यरकार को 24 जुलाई, 1986 का मात्र हुआ था।

S.O. 2968.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the State Bank of India and their workmen, which was received by the Central Government on the 24th July, 1986.

BEFORE SHRI R. B. SRIVASTAVA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, KANPUR, UTTAR PRADESH

Adjudication No. 41 of 1983

Reference No. L-12012/246/84-D.II(A) dt. 27-6-85.

APPEARANCE :

Shri V. N. Sekhari—for the workman.

Shri Mahesh Chandra—for the Management.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-12012/246/84-D-II(A), dt. 27-6-85 has referred the following dispute for adjudication :—

Whether the action of the management of State Bank of India in relation to their Islam Nagar Branch in dismissing Shri Mahesh Kumar Giroti clerk-cum-typist, w.e.f. 9-1-1984, is justified? If not, to what relief the workman concerned entitled?

2. The case on behalf of the workman is that he was appointed as clerk-cum-typist in the management bank in December, 81 and was confirmed at Islamnagar Branch in District Badaun. He was given two memo simultaneously first to explain in the matter of change of posting from Naini to Bareli and in another memo dt. 18-11-1982 issued to him to explain as to why he did not bring the fact of obtaining final financial assistance from the bank for purchase of a truck and thus gave a false statement in the biodata form. The workman replied this memorandum, on 13-1-1983, by another memo dt. 20-11-82, the workman was asked to advise in writing the college from where he appeared in the LLB examination alongwith the date of the papers which he offered for transmitting to the college authority. This memo is ext. M-8. The bank management vide memo ext. W-5 wrote to the workman as follows :

I understand that you appeared recently in the law

examination. Please advise the correct position.
3. The memo of dated 18-11-82 referred above is ext. M-4 reads as follows:

I understand that you had joined the bank and has also obtained financial assistance from this bank for purchase of truck, you have not brought this to the notice of the undersigned either before or after joining the bank services. I will be glad to have your detailed advice in the matter so that the Regional Manager office may informed accordingly.

4. There is another memo dated 13-12-82 ext. 6 which reads as follows:

Regional Manager office has advised that you had submitted a false statement in your biodata submitted to the bank in item No. 9 requiring to reply you to disclose if you are in debt, if so, what amount. Reply to which was no. In this connection the enquiry reveals that you were granted an advance of Rs. 1.5 lacs on 6-8-81, please therefore, submit your explanation as to why the facts were not incorporated in the biodata form submitted by you on 18th September, 1981.

5. The management after obtaining the reply terminated the services of the workman on 9-1-84 under provisions of para 522(i) of the Sastri Award after paying retrenchment compensation etc. by way of abandoned person as to the mind of the management as it was a case not involving disciplinary action for misconduct.

6. The management in its written statement raised preliminary objection on spousal. The contention is repelled on the ground that it is a case of termination in which workman alone could bring the industrial dispute, moreover, in the instant case matter was raised by Dy. General Secretary, State Bank of India Staff Association, before the conciliation who referred the dispute to the government and gave its failure report vide ext. W-14. It is admitted to the management that the workman was appointed as clerk-cum-typist at its Islampur Branch w.e.f. 24-2-82 on the basis of interview and biodata submitted by him in the prescribed form dt. 18th September, 1981 duly signed by him. In State Bank of India, Regional Manager, being the competent authority for the branches under their administrative control have been notified and nominated as disciplinary authority as well as manager for purposes of taking disciplinary action and passing final orders, taking all their action under the bank award.

7. The workman Shri Mahesh Kumar Giroti clerk-cum-typist before joining the bank as such was sanctioned and availed medium term loan of Rs. 1.5 lacs for purchase of a truck by State Bank of India Chandus Branch on 6-8-81 in the biodata form submitted by workman Shri Giroti made a false declaration at serial No. 9 which required the applicant to state whether or not he was indebted, if so, what amount. The workman had replied in negative against that column. According to the management if the correct facts would have been disclosed by the workman about his indebtedness, the bank would not have given him appointment. This appointment of the workman concerned in the bank on false declaration was void ab initio and liable to be cancelled straight away. It is further averred that besides the said fact of the workman alongwith certain other acts and omission also given clause to the management for loss of confidence in him particularly in financial institution like state bank of India where confidence and absolute confidence only counts. His services were therefore, terminated by way of simple discharge not amounting to disciplinary action under para 522(i) of Sastri award vide order dt. 9-1-84, of Regional Manager being competent authority.

8. It is further averred that although section 25F of the Industrial Dispute Act was not attracted to the facts of the present case by way of abandoned caution full retrenchment compensation payable to the workman alongwith three months salary in lieu of notice had been paid and before passing final orders the workman concerned was served with memos nos. 11202 and 254 dated 17-11-82 and 18-12-82 seeking his clarification and various incriminating material revealed his clarification and various incriminating material revealed against him and after giving due consideration to his reply which was found highly unsatisfactory.

9. The management has filed 14 documents per list dt. 17-12-85. Ext. M1 is declaration form dt. 18th September, 81 in which column 9 against the question 'if you are in debt, if so, to what amount and why it was taken, the reply is no.' M2 is appointment letter dt. 18-12-81. M-5 is the memo dt. 17-11-82 asking him why he did not join at the place of posting at Naini Branch after taking training at Kanpur and that without submitting application for leave at Naini branch, he has sought extension of time to unable him to join duties. Ext. M6 is reply wherein he explained on account of his father's illness he could not join and that he joined duty on 27-1-82 and the period in between was allowed as extra ordinary leave. Ext. M7 is memo dt. 18-12-85 referred above, Ext. M8 is reply of the workman to the memorandum dt. 18-12-82 referred above and averred therein that misconduct seems to be on account of inadvertently and not some thing deliberately on his part when the biodata form was filled in haste and he might have answered the query in negative erroneously considering the banks query to apply only in case of outside borrowing from private money lenders. Ext. M-10 is the discharge letter accompanied by cheque for three months pay and retrenchment compensation. In support of its case the management filed affidavit evidence of Shri Anand Swarup Bhasin, stating the case of the management. He also stated that besides said conduct of the workman there had been other acts and omission also giving cause to the bank for loss of confidence in him.

10. In cross examination he stated that for award staff acts and omission appearing in para 2F of his affidavit he meant that the workman appeared in LLB examination without taking permission of the management and besides that there is no other acts of omission. He admits that no departmental enquiry was held and in the end he said he will not be able to say if incurring the same may amount to major or minor misconduct.

11. The workman has filed his own affidavit and has testified the averments of his written statement. Besides other facts averred therein he has stated that incurring debts to an extent considered by the management excessive as a minor misconduct. It is mentioned here that question of this nature of minor misconduct may arise if the workman have been appointed and incurs debt as a employee of the management.

12. In cross examination the workman admitted to having filled the biodata form Ext. M1. He also admitted to have appeared in LLB examination during his service period, the centre of which was Muradabad when he was in Islampur branch. He further admits that he did not take permission for studying in LLB or appearing in the examination, from the management. He has further admitted that he did not take leave stating that he was going to Muradabad for appearing in the examination rather he had taken leave stating that he was going on leave for urgent work. He admits that at the time of filling biodata form he was indebted and that was with State Bank of India and none else and a loan of Rs. 1.5 lacs was taken in his name for family business. He has further admitted that after his training at Kanpur he got letter of posting for Naini Allahabad but he did not join there. He has denied the management's suggestion stating that it would be wrong to say that he deliberately given wrong biodata in not disclosing his indebtedness as he thought it related to some other indebtedness and not granted with State Bank of India. In the end he stated that he did not know that permission was necessary.

13. The workman was dismissed from the service from 9-1-84. The workman was paid three months notice pay in view of the provision of the section 522(i) of the Sastri Award being a permanent employee. As the termination for any reason whatsoever is mostly considered retrenchment, the management by way of abandoned caution also paid retrenchment compensation.

14. It is argued by the counsel for the management that a person who had taken a loan of not a small amount but a amount of Rs. 1.5 lacs from the State Bank of India itself would not consider himself indebted if enquired if he was indebted. In case according to him his explanation that he erroneously gave the answer in negative taking that the bank's query was applicable only in cases outside borrowing

from the private money lenders. I am not inclined to believe the workman on this point, when a man who has himself incurred debt and taken loan of 1.5 lac for purchase of truck from State Bank of India would forget this fact that he is in debt, when a simple question put to him if he is in debt it is so, to what amount. His reply in negative in the form was deliberate concealment of a fact and his appointment would be vitiated on that very ground of suppressive vice i.e. suppression of a truth and suggestion false i.e. making false representation. This false statement will go to the root of the appointment rendering the appointment illegal on that count only.

15. It has been argued by the counsel for the workman that this false declaration or indebtiness of the bank amounted to misconduct and there should have been a proper domestic enquiry and in the absence of the same the termination is illegal. He has further argued that even loss of confidence amounts to a stigma and the workman should not have been terminated without stigma being properly enquired and on proofs punishment given. In support of his contention he has referred me a ruling Chaudhary Lal Versus Management Ms. Pan American world Airways Corporation 1985 Lab. IC 1225 wherein it was held;

Want of confidence in an employee does point out to an adverse facet in his character as true meaning of allegation is that the employee has failed to behave upto expected standard of conduct which has given rise to a situation involving loss of confidence. In such circumstances termination would not amount to retrenchment and disciplinary proceedings were necessary as condition precedent to infliction of termination as measure of punishment.

The management has not levelled any stigma to misconduct during his tenure of his service rather the management has come forward with a case that the workman obtained appointment admittedly on false declaration, thus this ruling will not apply to the facts of the present case.

16. Ruling of Anup Jaiwal versus Govt. of India 1984 Lab. IC page 343 also does not apply to the facts of the present case as in the instant case the form or order is not merely on camouflage for an order of dismissal for misconduct and in such cases it is always open to the court before which the order is challenged to go beyond the form and ascertain the true character of the order, if the court find that the order though in the form is merely determination of employment is reality a Clock for an order of punishment the court would not be debarrred merely because the form or order in giving fact to the right confirmed by law upon the employee. In the instant case there is no question or any camouflage the fact of indebtiness is admitted and the management is within its right to terminate the services of a permanent employee in view of provision of para 522 (i) of Sastri Award.

17. It is on similar ground that the law laid down in 1962 II LLB page 646 Central Bank of India Versus State of Jammu & Kashmir will not apply to the facts of the present case.

18. On the other hand the law laid down in Municipal Corporation of Greater Bombay Versus PS Molvankar SC Civil Appeal No. 3161 (L) 1977 decided on 5-5-78 wherein it was held;

That in this case no misconduct was alleged against the concerned workman nor was any misconduct made a foundation for passing the order of termination. The order of termination was clearly not passed by way of punishment, the concerned employee for any misconduct, the view that the service of the concerned employee was not satisfactory was undoubtedly passed on past incident set out in the record but for which of the incidents in one form or another had already meted out to her and it was not by way of punishment for any of those incidents, because as gathered from these incident her record in service was unsatisfactory that her services were terminated by the management under relevant standing orders.

The representative for the management refers me also the following two rulings;

1. Workman of Hindustan Steel Versus Hindustan Steel Ltd. 1985 SCC L&S 260.
2. West Bengal State Electricity Board Vs. Deshbandhu Ghosh 1985 SCC (L&S) 607.

It was held in the case of workman of Hindustan Steel Ltd. ; Where an order casts a stigma or affects livelihood before making the order practice of natural justice normally a reasonable opportunity to present one's case and controvert the evidence must have full play.

In the instant case before passing the termination order his attention was drawn to his declaration in para 9 of the declaration form and that said declaration was false and if he had to say any thing the workman did reply that it was inadvertently given considering the enquiry related to some other banks. This was sufficient compliance with principles of natural justice. Thus it was a case of obtaining service on false declaration and hence appointment not legal. There was nothing left for a domestic enquiry as the matter was admitted and the only explanation was inadvertence and wrong thinking which was not acceptable reasonably. Moreover, the memo enquiring if he made the declaration when fact, we otherwise was not a stigma or even if it was so it was admitted thus principles of natural justice were fully complied with. No fruitful purpose would have been served had the workman served with a memo of charges and enquiry held, as the result of enquiry was obvious on account of admission and taking shelter under the garb of inadvertence and wrong consideration which could not have been accepted in the circumstances of the case, moreover, in view of admission it was not proper to hold any enquiry.

Now coming to the ruling No. 2, any arbitrary or unreasonable action of an authority under act held would be violative of article 14 of the Constitution. State Bank of India has been held to be a state within the meaning of article 12 of the constitution. No doubt para 522(i) if used as blanket power for termination would be naked hire and fire rule, but where before termination it is assumed by certain explanation of the workmen that since in the management workman was obtained by false declaration and that if correct facts had been disclosed the workman would not have got the service is enough compliance of principles of natural justice by allowing reasonable opportunity to explain and only not finding any reasonable explanation, the management coming to the conclusion that services were obtained by false declaration, and the employment itself will not be a legal valid employment. Thus article 14 of the constitution was not infringed.

In these circumstances and for the reasons discussed above, I hold that the action of the management of State Bank of India in relation of its Islamagar Branch in dismissing the workman Shri Mahesh Kumar Gicoti w.e.f. 9-1-84 is justified.

I, therefore, give my award accordingly.

Let six copies of this award be sent to the Government for its publication.

Dt. : 18-7-85.

R.B. SRIVASTAVA, Presiding Officer
[No. L-12012/246/84, D. II (A)]

N. K. VERMA, Desk Officer

नई दिल्ली, 1 दिसंबर, 1985

का. का. 2069 — दिल्ली सार्वजनिक 1948 (1948 का 11) की प्राप्त 27 दिसंबर कालीन का गयी दस्तावेज़, नेत्रीय वरकार, नामिनाम लाने में दिल्ली-नगर नगर पालिका की अपेक्षा के गया। मैं नोटरी भूमिका के दिल्ली-नगर नगर पालिका के अन्वार, ऐसा करने में दस्तावेज़ की व्यवस्था दिनांक 13 दिसंबर, 1985 के आधार के स्वरूप, दस्ता II, अंक 3, उप अंक (ii) में प्रकाशित भास्त भागाद के

श्रम भवालय के अधिकारी कार्यालय, 3266, दिल्ली 23 अग्र.
1985 द्वारा दर्शन की गई।

[एट-32019/1/84-डब्ल्यू.सा. (प्रम. डब्ल्यू.)]
प. के. एम. एम. एम. एम.

New Delhi, the 1st August, 1986

S.O. 2969.—In exercise of the powers conferred by section 27 of the Minimum Wages Act, 1948 (11 of 1948), the Central Govt. hereby adds to Part-I of the Schedule to that Act, the employment in Uranium Mines, notice of its intention to do so having been given, by the notification of Government of India in the Ministry of Labour Number S.O. 3266 dated the 24th June, 1985 published in the Gazette of India, Part-II, Section 3, Sub-section (ii) dated the 13th July, 1985 as required by the said section.

[No. S-32019/1/84-WC(MW)]
A. K. LUTHRA, Dy. Secy.

श्रम भवालय

दिल्ली, 6 अगस्त, 1986

S.O. 2970.—ओर्डरिंग विवाद अधिनियम, 1947 (1947 का 14) की तारीख 17 के अनुसार ने, निम्नोंका नियम, जोकिसुर थेव म. III में भारत कोकिंग कोल द्वारा, यो विद्युत और प्रकृति के प्रबंधन से सम्बद्ध नियमजनन और उनके कार्यकारों के बीच, इन्ड्रोप्रैथ में नियमित ओर्डरिंग विवाद में केन्द्रीय सरकार ओर्डरिंग विवाद, नं. 1, धनबाद के पंचांग को प्रकाशित करती है, जो केन्द्रीय सरकार का 29-7-1986 को प्राप्त हुआ था।

MINISTRY OF LABOUR

New Delhi, the 6th August, 1986

S.O. 2970.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in in relation to the management of Dhammaband Colliery in Govindpur Area No. III of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 29th July, 1986.

BEFORE THE CENTRAL GOVERNMENT INDUS- TRIAL TRIBUNAL NO. 1, DHANBAD.

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 17 of 1982.

PARTIES :

Employers in relation to the management of Dhammaband Colliery in Govindpur Area No. III of Messrs Bharat Coking Coal Limited, Post Office Sonardih, Dist. Dhanbad.

AND
Their Workmen.

PRESENT :

Shri I. N. Sinha, Presiding Officer.

APPEARANCES :

For the Employers : Shri S. B. Rai, General Manager,
Govindpur Area.

For the Workmen : Shri J. D. Lal, Advocate.
STATE : Bihar INDUSTRY : Coal
Dhanbad, dated, the 22nd July, 1986

AWARD

The present reference arises out of Order No. I-20012 (345/81-D.III/A), dated the 16th February, 1982, passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows :—

“Whether the demand of the workmen of the Dhammaband Colliery of Govindpur Area No. III of M/s. Bharat Coking Coal Limited, Post Office Sonardih,

District Dhanbad for re-employment of the 28 Stone Cutters named in the Annexure below is justified ? If so, to what relief are the concerned workmen entitled ?”

ANNEXURE

1. Alam Sheikh
2. Nadir Shaikh
3. Md. Hussain Sheikh
4. Arjun Dom
5. Razak Hussain
6. Sahdeo Mahto
7. Bishwanath Gossain
8. Shyam Lal Gossain
9. Saraz Sheikh
10. Budhan Rewani
11. Koshan Gossain
12. Saligram Gossain
13. Sahid Sheikh
14. Ram Naresh Pd. Sinha
15. Narayan Rewani
16. Ramphal Mahto
17. K. P. Singh
18. Sita Ram Dushad
19. Ram Pravesh Singh
20. Suresh Dushad
21. Chandeshwar Pd.
22. Kamta Paswan
23. Ram Janam Dusadh
24. Giriya Dusad
25. Kangahu Thakur
26. Lazmi Prasad
27. Brijlal Biswakarma
28. Haquek Khan.

2. The dispute has been settled out of Court. A memorandum of settlement has been filed in Court. I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an award should not be made on the terms and conditions laid down in the memorandum of settlement. I accept it and make an award accordingly. The memorandum of settlement shall form part of the Award.

3. Let a copy of this award be sent to the Ministry of Labour as required under Section 15 of the Industrial Disputes Act, 1947.

Dt. : 22-7-86

I. N. SINHA, Presiding Officer
[No. L-20012/345/81-D. III. A]

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I. DHANBAD.

Reference 17/82

Employers in relation to the Management of Dhammaband Colliery of M/s. Bharat Coking Coal Ltd.

AND

Their Workmen represented by the Secretary, Bihar Colliery Kaimgar Union.

The Ministry of Labour vide Order No. L-20012/345/81/D. III(A) dated 16th February, 1982 referred the above dispute before the Central Government Industrial Tribunal No. I, Dhanbad for adjudication. The Union's demand in the instant case is for re-employment of 28 Stone Cutters whose names are shown in the Annexure to the Schedule. The matter has been discussed in length by the Management and the union concerned and it has been decided by both the parties to amicably settle the matter on the following terms and conditions in the light of policy decision taken by the company in order to remove the shortage of Miners/Loaders in BCCL.

TERMS AND CONDITIONS OF SETTLEMENT

- That it has been agreed to offer persons concerned in reference 17/82 whose names are mentioned in the list enclosed herewith, re-employment as Miner/loader with immediate effect on fresh basis.
- That, they will be paid Group VA wages as prescribed under NSWA-III.
- That, they will not be entitled to any back wages for any period upto the date of their re-employment as Miner/loader.
- That, they will be medically examined by the Medical Board for ascertaining their physical fitness for the job of Miner/loader.
- That, persons involved in the agreement will be below 40 years of age and should not be more than.
- That, this agreement is in full and final settlement of the matter.
- That, the concerned union representative Shri Manbodh Mahato and contractor Sri Saikh Alam shall furnish certificate regarding genuineness of the persons on individual basis. The person concerned will also file affidavit individually as shown in support of their genuineness and five copies of pass-port size photograph duly verified and attested by Shri Manbodh Mahato and Seikh Afam mentioning therein the name, Father's name, home address etc. All the persons to be offered re-employment as Miner/loader in the instant case will report for duty by 25th of July, 86 to the Govindpur Area Management alongwith documents, photographs mentioned in clause.

That as the matter has been settled amicably both the parties agreed to jointly file five copies of the settlement before the Central Govt. Industrial Tribunal No. I, Dhanbad requesting for holding the terms of settlement as fair and proper and pass Award in terms of the settlement.

For Union :

Sd/-
(Manbodh Mahato)
Secretary, B.C.K.U.

For Employers :

Sd/-
(S. B. Rai)
General Manager,
Govindpur Area.

Sd/
(J. D. Lal). Advocate

Dhanbad.

Witnesses :—

- Sd/- (Illegible).
- Sd/- (Illegible).

ANNEXURE

LIST OF PERSONS CONCERNED

- Alam Sheikh
- Nadir Sheikh
- Md. Hussain Sheikh
- Arjun Dom
- Razak Hussain
- Sahdeo Mahato
- Bishwanath Gossain

- Shyam Lal Gossain
- Saraz Sheikh
- Budhan Rewani
- Kosban Gossain
- Saligram Gossain
- Sahid Sheikh
- Ram Naresh Pd. Sinha
- Narayan Rewani
- Ramphal Mahato
- K. P. Singh
- Sita Ram Dushad
- Ram Pravesh Singh
- Suresh Dushad
- Chandeshwar Pd.
- Kamta Paswan
- Ram Janam Dushad
- Girija Dushad
- Kangahu Thakur
- Laxmi Prasad
- Brijlal Bsiwakarma
- Haque Khan

का. आ. 2971—ओरोगिक विवाद आधिकार्यम्, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भारत कोकिंग कोम लि. की अट्टीह कोलियरी के प्रबंधसंग से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, भारतवंश में निविष्ट ओरोगिक विवाद में केन्द्रीय सरकार ओरोगिक प्रतिकरण, नं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-7-1986 को प्राप्त हुआ था।

S.O. 2971.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bhatdee Colliery of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 29th July, 1986.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 54 of 1985

In the matter of Industrial Disputes under Section 10(1)(d) of the I. D. Act, 1947

PARTIES :

Employers in relation to the management of Bhatdee Colliery of M/s. B.C.C. Ltd. and their workmen.

APPEARANCES :

On behalf of the workmen.—Shri J. D. Lall, Advocate.
On behalf of the employers—Shri G. Prasad, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, the 21st July, 1986

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/375/84-D.III (A), dated, the 13th May, 1985.

SCHEDULE

“Whether the action of the management of Bhatdee Colliery of Messrs Bharat Coking Coal Limited in not providing employment to Smt. Taj Bibi, wife of late Shri Noor Mohammed, Shale Picker, Bhatdee Colliery, as per provisions of clause 10.4.2 of the National Coal Wage Agreement-II is justified ? If not, to what relief she is entitled ?”

The case of the workmen is that late Noor Mohammed was employed in Bhatdee Colliery since before nationalisation of the said colliery as Shale Picker and he was a perma-

gent workman. In 1976 Late Noor Mohammed along with Shri Gulam Mohammed were verbally transferred to the post of wagon loader by the management of Bhatdih colliery from the post of shale picker. They refused to work as wagon loader as the order was illegal and unjustified. They raised an industrial dispute in respect of the stoppage of their work of shale picker before the ALC(C), Dhanbad through their union namely Bihar Colliery Kamgar Union. The conciliation ended in failure and a report to that effect was submitted by the ALC(C), Dhanbad to the Central Government. The Central Government refused to refer the said industrial dispute to the Tribunal for adjudication as in the opinion of the Government there was no stoppage of work of those two workmen. After the receipt of the Ministry's letter refusing to refer the dispute to the Industrial Tribunal for adjudication, late Noor Mohammed along with Gulam Mustappa made a representation to the management to allow them to resume their duties as wagon loaders but the management did not give them duties as a result of which they remained absent from duty. Late Noor Mohammed approached the management several times to allow him to resume his duties but the management refused to allow him to resume his duties. Noor Mohammed died on 4-1-80 while still in service as till then the services of the late Noor Mohammed had not been terminated or dismissed from service although he could not work as he was not allowed to resume his duties by the management. Smt. Taj Bibi is the wife of late Noor Mohammed who is entitled to get employment under the provisions of clause 10.4.2 of NCWA-II as a dependent widow of late Noor Mohammed. She approached the management to provide her with employment in place of her late husband but the management refused to provide her with employment. Thereafter an industrial dispute was raised by the union on her behalf which was subsequently referred to this Tribunal for adjudication by the Central Government. The action of the management in not providing employment to Smt. Taj Bibi being dependent of late Noor Mohammed is unjustified and violates the provisions of Clause 10.4.2 of NCWA-II. It is prayed that she may be given employment by the management.

The case of the management is that Koyal Mazdoor Union which has sponsored the present industrial dispute has no following in the industrial establishment of the management to raise the dispute of the workmen employed in Bhatdih Colliery. The concerned lady Smt. Taj Bibi is not a workman within the definition of Section 2(s) of the I. D. Act and as such there can be no industrial dispute between the management and the person who is an employee of the management. Late Noor Mohammed was not employed as a shale picker in Bhatdih Colliery and was a casual wagon loader. Late Noor Mohammed was offered the job of casual wagon loader which he did not accept. He did not work during the years 1978 to 1980. The concerned lady cannot claim the benefit of clause 10.4.2 of NCWA-II as Noor Mohammed died while he was not in service. As late Noor Mohammed did not die while in service, the concerned lady cannot claim the benefit as dependent wife of late Noor Mohammed. The claim of the concerned lady is not justified and the action of the management in not providing her job is fully justified. While Noor Mohammed was alive the industrial dispute was raised before the ALC(C) Dhanbad with regard to the alleged termination of his employment on a report of a failure submitted by the ALC(C). The Government was satisfied that Noor Mohammed was only a casual workman and therefore the dispute was refused to be sent for adjudication by the Tribunal. Now the industrial Tribunal cannot embark to adjudicate with regard to the alleged termination of employment of Shri Noor Mohammed who was a casual wagon loader. On the above plea it is submitted that the action of the management in not providing employment to Smt. Taj Bibi wife of late Noor Mohammed as per provisions of Clause 10.4.2 of NCWA-II is justified and Smt. Taj Bibi is not entitled to any relief.

The point for decision is whether Smt. Taj Bibi is entitled to be employed as a dependent wife of late Noor Mohammed Shale Picker as per provision of Clause 10.4.2 of NCWA-II.

The management examined three witnesses and the workmen examined four witnesses in support of their respective cases. The management produced documents which have

been marked Ext. M-1 to M-21 and the documents of the workmen have been marked Ext. W-1 to W-3.

After going through the evidence of the parties now it is admitted fact that late Noor Mohammed was employed as a shale picker in Bhatdih colliery and that he had also worked as Chain Mazdoor in Category I in the underground. Ext. M-15 is the comment of the management dated 27-4-77 filed before the ALC(C), Dhanbad when an industrial dispute had been raised by the union on behalf of the Noor Mohammed. It will appear from the said comment of the management that Noor Mohammed was working as casual shale picker at Bhatdih Colliery and was getting the wages of Cat. I and that his services were utilised as and when required to fill up sick/leave vacancy in other department such as survey section as well as tub cleaning and shale picking whenever extra wagons were placed at the siding. It will also appear from it that in October, 1976 the management took a policy decision not to keep any casual worker in any trade except wagon loading and as such those casual workers who had put in qualifying attendance of 240/190 days against a particular post in a calendar year were to be regularised as permanent workers in the specific jobs and the remaining casual workers i.e. those who put in qualifying attendance but worked in different jobs and also those who did not put in qualifying attendance were to be offered employment as casual wagon loaders. Such policy of the management was implemented in all the collieries of BCCL. As per the said policy Noor Mohammed who had less than 240 days attendance in a year and had worked against different jobs was offered work as casual wagon loader. The management had not stopped the work of Noor Mohammed and that the management had offered employment of Group III wages to Shri Noor Mohammed. The management has also given the total number of attendance of Shri Noor Mohammed for the years 1973 to 1976. Thus from this letter itself it is established that late Noor Mohammed had worked as casual shale picker/chain mazdoor in the survey section till prior to October, 1976 and that thereafter Noor Mohammed was offered to work as casual wagon loader as he had not completed 240/190 days attendance in a year and had not worked on a particular post.

WW-2 Gulam Mustappa used to work along with Noor Mohammed in Bhatdih colliery in survey department as chain mazdoor. He has stated that after 1976 Noor Mohammed had not worked till 1980. It is admitted fact that Noor Mohammed did not work after September, 1976 since when he was offered to work as casual wagon loader till the time of his death on 4-1-80.

The case of the management is that Smt. Taj Bibi widow of late Noor Mohammed cannot claim to be employed as dependent widow of late Noor Mohammed as Noor Mohammed was not in service at the time of his death.

The provision of employment to dependents is dealt with in clause 10.4.1 to clause 10.4.4 of NCWA-II. It will appear from Clause 10.4.1 that employment was to be provided to one dependent of workman who meet with the death while in service. From clause 10.4.2 it will appear that wife is a dependent for the purpose of those clause. As the evidence stands it is admitted fact that Noor Mohammed did not work from September, 1976 till his death. During his life time the union had raised an industrial dispute on his behalf and on a failure report being submitted by the ALC(C) before the Central Government the Government was pleased to reject the prayer of the union for referring the said industrial dispute for adjudication. Ext. M-20 dated 1-10-77 is the letter of the Government in respect of the industrial dispute in Bhatdih Colliery over alleged illegal arbitrary and unjustified stoppage of work of Noor Mohammed. It will appear from this letter that the Government of India decided not to refer the above dispute to the industrial Tribunal for adjudication as *prima facie* there was no case for reference for the reason that the workman being casual workman was offered the job of casual wagon loader, which was not acceptable to him and as such there was no stoppage of work as alleged by the union. There was one another person whose case was also dealt with by the union along with Noor Mohammed and the said person Gulam Mustappa WW-2 has stated that he along with Noor Mohammed used to work in survey department as a chain mazdoor regularly as permanent mazdoor. He has further

stated that in 1976 the management asked them to work as casual wagon loader to which they refused to work and thereafter a dispute was raised through their union and the government refused to refer the said dispute for adjudication. He has stated that he along with Noor Mohammed thereafter represented before the management for giving work and in the meantime Noor Mohammed died in January 1980 when the matter was still pending before the management for their employment and that in September, 1980 Gulam Mustafa was given employment in Murulidih colliery as Fitter. It is clear therefore that Noor Mohammed did not work after 1976 till his death. The case of the workmen is that although Noor Mohammed did not work after 1976 till his death it will be deemed that he was in service of the management has no order of termination of dismissal of his service was passed by the management. It is true that no formal order had been passed by the management terminating the services of the concerned workman. But it is clear from the materials on record that Noor Mohammed was a casual workman and he had worked in different sections namely as Shale Picker and Chain Mazdoor in survey section. Hence even if he had completed attendance of 240/190 days either on the survey or in the underground he could not have been regularised and made permanent in accordance with the circular Ext. M-16. Ext. M-16 provides that this time rated or piece rated (other than wagon loader etc.) who have worked for 240/190 days of service in underground as the case may be in one particular job during 1975 and has continued to work in 1976 shall be made permanent in that particular job of category with effect from 1st of October, 1976. The case of Noor Mohammed is not covered under this clause as he had worked in more than one job. It is further stated that the above provision will not be applicable to such casual workers who put in 240/190 days attendance but worked more than one job during the period either on the surface or under ground and was not entitled to be regularised and according to clause II of Ext. M-16 his services were to be utilised as casual wagon loader and accordingly Noor Mohammed was offered the job of casual wagon loader which he refused to accept. It is stated in the WS. of the workmen that when the industrial dispute raised by the union on their behalf the Government did not refer the dispute for adjudication. Noor Mohammed approached the management for giving him the job of casual wagon loader and then the management did not employ him as a casual wagon loader. It is clear therefore that Noor Mohammed only wanted to be a casual wagon loader and a casual wagon loader is not entitled to get work regularly and he could not be permanent workman of the management. When the services of Noor Mohammed as itself of a casual nature the union cannot demand a job for his dependent. The provision of Clause 10.4.2 in my opinion cannot be taken advantage of by the dependent of a casual workman whose services itself is of casual nature. I hold therefore that Noor Mohammed as not in service of the management at the time of his death and as such Smt. Taj Bibi cannot claim employment from the management as dependent of Late Noor Mohammed.

The management has raised a point that the union which has sponsored the dispute has no following in the Bhatdih Colliery and as such it cannot raise an industrial dispute. The workmen have produced Ext. W-1 dated 10-8-81 which is the record notes of discussions between the Dy. Chief Personnel Manager and Shri Ramdas Singh, General Secretary, Koyala Mazdoor Union. The notes further show that the union had raised the dispute in respect of Noor Mohammed in Sl. No. 5. of the demand and that the management had stated that if his case is covered under NCWA-II order shall be issued within a month. It is clear therefore that the management were recognising Koyala Mazdoor Union and were having discussion relating the labour problems and now it cannot be said that the said union had no standing or was not representing the workmen of Bhatdih Colliery.

It is submitted that Smt. Taj Bibi is not a workman within the definition of Section 2(s) of the I. D. Act and as such there can be no industrial dispute. Where the workmen raised a dispute against their employer the person or persons regarding whose employment the dispute is raised need not be strictly speaking "workmen" within the meaning of the Act but must be persons in whose employment the workmen as a class have a direct or substantial interest. The definition of the expression industrial dispute is wide enough to cover a dispute raised by the employer's workmen

in regard to the non-employment of others who may not be his workmen at the material time. The expression "Any person" in Section 2(k) means a person in whose employment or non-employment or terms of employment or condition of labour the workmen as a class have a direct or substantial interest with whom they have, under the scheme of the Act a community of interest. In the present case it will appear that vide Clause 10.4.2 a dependent of a deceased employee is to get employment and this has become the terms and condition of service of a workman and as such the workmen in general have direct and substantial interest. When such dispute is raised by the workmen it is a dispute about the terms of their own employment though incidentally the terms of employment of those who were not workmen were involved. As the matter has a direct and substantial interest because the same question may arise in the case of any of the workmen. Such a dispute is a real dispute between the workers union and the management. I hold therefore that the present dispute is an industrial dispute.

In the result, I hold that the action of the management of Bhatdih Colliery of Messrs Bharat Coking Coal Limited in not providing employment to Smt. Taj Bibi wife of late Shri Noor Mohammed, Shale Picker, Bhatdih Colliery, as per provisions of clause 10.4.2 of the National Coal Wage Agreement-II is justified and consequently she is not entitled to any relief.

This is my Award.

J. N. SINHA, Presiding Officer
[No. L-20012/375/84-D.III (A)]

का. आ. 2972.—ओदोगिक विवाद अधिदियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, दाटा ग्राहन एण्ड स्टील कं. लि. की गवाडीह कोनियरी के प्रबंधरात्रि से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओदोगिक विवाद में केन्द्रीय भरगव ओदोगिक अधिकारण, नं. 1, धनबाद के पांच को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-7-1986 को प्राप्त हुआ था।

S.O. 2972.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Digwadih Colliery of M/s. Tata Iron and Steel Company Limited and their workmen, which received by the Central Government on the 28th July, 1986.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 91 of 1984

PARTIES :

Employers in relation to the management of Digwadih Colliery of M/s. Tata Iron and Steel Co. Ltd.

AND

Their Workmen.

PRESENT :

Shri I. N. Sinha, Presiding Officer.

APPEARANCES :

For the Employers—Shri S. K. Tripathi, Personnel Officer.

For the workmen—Shri H. K. Sahay, Secretary, Rashtriya Mazdoor Sangh, Digwadih Branch.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, the 18th July, 1986

AWARD

The present reference arises out of order No. L-20012/309/84-D.III (A) dated, the 22nd November, 1984 passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter

of the dispute has been specified in the schedule to the said order and the said schedule runs as follows :—

"Whether the action of the management of Digwadih Colliery of M/s. Tata Iron and Steel Co. Ltd. Post Office Jamnaboba, Dist. Dhanbad in dismissing from service their workmen, whose names are given in Annexure below, in October, 1983 was justified ? If not, to what relief these workmen are entitled ?"

ANNEXURE

1. Shri Suresh Prasad,
Category I Mazdoor
2. Shri Ali Kalam,
Conveyor Khalasi.
3. Shri Rammaly, Miner,
4. Shri Upendra Singh, Miner.
5. Shri Bhola Ram, Miner,
6. Shri Rajmuni Sao, Miner,
7. Shri Ram Harijan, Miner.
8. Shri Atique Khan,
Scraper Crew.
9. Shri Kanhaiya,
Pipe Mazdoor.
10. Shri Mohd. Muslim,
Category I Mazdoor.
11. Shri Mustakim Mia,
Miner.
12. Shri Washim Ahmed,
Category I Mazdoor.
13. Shri Shah Nawaj Khan,
Piece rated Mazdoor.

2. There are 13 workmen involved in this case, out of which the dispute of eight workmen, namely, S/Sri Suresh Prasad, Ali Kalam, Rammaly, Upendra Singh, Rammuni Sao, Sriram Harijan, Atique Khan and Md. Muslim, have been settled out of Court and a memorandum of settlement has been filed in Court I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an award should not be made on the terms and conditions laid down in the memorandum of settlement. I accept it and make an award accordingly. The memorandum of settlement shall form part of the award.

3. Let a copy of this award be sent to the Ministry of Labour as required under Section 15 of the Industrial Disputes Act, 1947.

Dated : 18-7-1986.

I. N. SINHA, Presiding Officer
[No. L-20012/309/84-D.III (A)]

BEFORE THE PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1,
DHANBAD

Reference No. 91 of 1984

PARTIES :

Employer in relation to the management of Digwadih Colliery of M/s. Tata Iron and Steel Co. Ltd.,
P.O. Jamnaboba, Dist. Dhanbad.

AND

Their workmen.

The parties involved in this dispute beg to submit as under :—

(1) That the cases of the concerned 13 workmen in the present reference have been taken up by the recognised union in the establishment of the employers namely, Rashtriya Colliery Mazdoor Sangh.

A discussion between the representatives of the management and the union was held on different occasions and finally with the Director of Collieries (I) in his office on 20-6-1986.

2. That during the discussion, it was contended by the union that the 10 workmen out of 13 workmen in the reference were not directly involved in the assault and the circumstances were such which had led to such an untoward

incident. The management has awarded punishment of dismissal to those who were directly involved in assault on the Agent of Digwadih Colliery on 2-9-1983 and also to those who were not directly involved in the same along with other charges.

3. That a long time has elapsed since the dismissal and considering the hardship which is not commensurate with the offence committed by these concerned workmen their cases should be reviewed. The Union further contended that the same punishment of dismissal should not have been awarded to both the categories mentioned above. They requested that the management should review the cases pertaining to the ten workmen as mentioned above.

4. That after a detailed discussion and considering the above contention of the union, the management decided to consider the cases of these 10 workmen in this reference who were not chargesheeted for assaulting Sri D. N. Abrol. Accordingly a compromise has been arrived at on the following terms and conditions :—

Terms and Conditions

- (i) That the case of S/Shri Kanhaiya, Ex. Pipe Mazdoor, Bhola Ram, Ex. Miner, and Mustakim, Ex. Miner the workmen in this reference will not be reviewed since they have been dismissed for assaulting Sri D. N. Abrol.
- (ii) The concerned 8 (Eight) workmen namely S/Sri Suresh Prasad, Ali Kalam, Rammaly, Upendra Singh, Rajmuni Saw, Sriram Harijan, Atique Khan, and Md. Muslim, would be re-instated in service without any back wages or monetary benefits for the period of dismissal to the date of their reporting on duty.
- (iii) The period from the date of their dismissal till they join their duty will be considered as if they were on leave with or without wages as the case may be.
- (iv) The intervening period will be treated as "dies-non".
- (v) The concerned workmen after re-instatement would be provided the job in any of the Collieries of Tisco including West Bokaro but not in Digwadih Colliery. The management shall decide their placement in different Collieries.
- (vi) That the workmen would be taken back in employment after their compromise petition is recorded by the Honourable Tribunal.
- (vii) That the workmen have agreed that they will behave properly in future which has also been endorsed by the Union.

5. That the parties will bear their own cost.

6. That the terms of this settlement are fair and proper. Under the above circumstances, the Parties pray that an Award be passed in terms of the above settlement and the Reference pending before the Honourable Tribunal concerning the 10 concerned workmen be treated as closed and withdrawn, and for this, the petitioners shall ever be grateful. Signed on this day of 1986.

For Workmen :

(H. K. Sahay)
(Secretary)

Rashtriya Colliery Mazdoor Sangh
Digwadih Branch.

1. (Suresh Prasad)

2. (Ali Kalam)

3. (Rammaly)

4. (Upendra Singh)

5. (Rajmuni Saw)

6. (Sri Ram Harijan)

8. (Atique Khan)

8. (Md. Muslim)

9. (Washim Ahmad)

10. (Shah Nawaj Khan)

The concerned workmen

For Management .

'S. N. Sinha)

'sst. Chief Personnel Manager (C)

P. Akharya)

Asst. Chief Personnel Manager

Witnesses :—

1. Sri Nand Lal Singh
President, R.C.M.S., Digwadih Branch.2. S. K. Tripathi
Personnel Officer.

Dated : 15-7-1986.

का. आ. 2973.—आधिकारिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय मरकार, भारत कोकिंग कोल नि. को बेसरगढ़ कंजियरी के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, द्रव्यवंश में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार आधिकारिक अधिकारण, नं. 2, धनबाद के पंचाट को प्रशासित करती ओं केन्द्रीय सरकार को 29-7-1986 को प्राप्त हुआ था।

S.O 2973.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Kessurgarh Colliery of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 29th July, 1986.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD
Reference No. 90 of 1985

In the matter of industrial disputes under Section 10(1)(d) of the I. D. Act., 1947.

PARTIES :

Employers in relation to the management of Kessurgarh Colliery of Messrs. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen—Shri B. K. Ghose, Member, Executive Committee, Janta Mazdoor Sangh.

On behalf of the employers.—Shri B. Josh, Advocate.

STATE : Bihar. INDUSTRY : Coal.
Dhanbad, the 23rd July, 1986

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(65)85-D.III(A), dated, the June, 1985.

SCHEDULE

“Whether the demand of Janta Mazdoor Sangh that the management of Kessurgarh Colliery of Messrs. Bharat Coking Coal Limited should provide employment to Smt. Chandeshwari Devi in accordance with the Bharat Coking Coal Limited Circular dated 4-8-1980 is justified ? If so, to what relief is she entitled ?”

The case of the workmen is that the concerned workman Smt. Chandeshwari Devi was employed as

a casual wagon loader at Kessurgarh Colliery since before the take over of the coal mines. During the emergency period of 1976 she was stopped from working along with many other casual wagon loaders without assigning any reason or notice. In August, 1980 the management's action of stopping/delisted the casual wagon loaders in 1976 was reviewed and thereafter more than 100 such casual wagon loaders were reinstated in employment under the management's revised policy. But the case of the concerned workman was not considered. Several representations were made by the concerned workman but the same was not entertained by the management. An industrial dispute was raised on behalf of the concerned workman before the ALC(C), Dhanbad where the management denied employer employee relationship between the concerned workman and the management. Inspite of ALC(C)'s instructions the management did not file Form E attendance Register and the man power list prepared by the management at the initial period. The Janta Mazdoor Sangh has claimed for providing employment to the concerned workman in accordance with the revised policy of the management as per circular dated 4-8-80. According to the said circular the concerned workman is entitled to reinstatement as casual wagon loader and a prayer has been made for passing an Award in favour of the concerned workman.

The case of the management is that the present case is belated one as the dispute has been raised after a period of about 9 years. The name of the concerned workman does not appear in Form B and Identity card register of casual wagon loaders of the colliery and as such she was not a casual wagon loader of the colliery and her name does not appear in the list of casual wagon loaders. At the initial stage after take over there used to be difficulties in getting the wagons allotted because of erratic supply of wagons. On some days a large number of wagons used to be placed at the siding for loading coal whereas on other days there used to be less number of wagons placed at the siding. This necessitated engagement of permanent casual and delisted casual wagon loaders. The delisted casual wagon loaders were those workmen whose names did not occur in Form B and identity card register. The names of casual wagon loaders were entered in those registers. The names of delisted casual wagon loader can only be found in payment register and Bonus Register of 1973 to 1976. In course of time from 1973 to 1976 the Collieries were amalgamated and bigger units were formed and adjustments were effected between different sidings so as to ensure regular engagement of permanent and casual wagon loaders and regular supply of wagons. Thereafter there was no need of engaging delisted casual wagon loader. The management formulated a policy in the year 1980 and issued a circular dated 4-8-80. A list was prepared of Miner/loader out of the delisted casual wagon loader according to the procedures prescribed in the circular. Accordingly a list of such workmen were prepared in respect of all the collieries and in some cases the list were finalised after entering into settlement with the union. Thereafter there was no further scope of enrolment of delisted casual as miner/loader. A lady bearing the name of the concerned workman

was not found eligible for enrolment as per circular and her name was not included. The concerned workman is not a genuine delisted casual wagon loader. The relevant circular is not applicable in the case of the concerned workman and she cannot claim any relief under the circular.

The only question to be determined in this case is whether the concerned workman Smt. Chandeshwari Devi can be provided employment in accordance with the circular dated 4-8-80.

The concerned workmen have examined four witnesses and the management have, examined one witness in support of their respective case. The workmen's documents have been marked Ext. W-1 to W-3 and the management's documents have been marked Ext. M-1 to M-4.

It will appear from the pleadings of the parties that the claim of the concerned lady is based on the circular dated 4-8-80. The schedule of the order of reference has clearly indicated as to whether the concerned lady is entitled to be provided with employment on the basis of the circular dated 4-8-80. It is therefore of importance to see as to what is contained in the circular dated 4-8-80. The said circular is marked Ext. M-1 in this case the subject matter of which is deployment of Badli loaders. It will appear from the said circular that there was great absenteeism in the category of miners/loaders as a result of which production was greatly suffering and the management thought of taking necessary effective steps to ensure that the production does not suffer on account of absenteeism of miners/loaders. It will further appear that the matter was discussed with the members of the Central Trade union organisations and the consensus arrived at by them was that the management may deploy badli loader in place of permanent miners/loaders who were temporarily absent for one reason or the other. The employment of badli loaders was to be made only for the duration the position of availability of miners/loaders is not improved. It is further stated that the management cannot take responsibilities with regard to deployment of badli loaders on regular basis and that they will have no claim whatsoever with regard to their employment. It was decided by the management that they may take in employment as badli loaders such of the delisted casual wagon loaders who had put in 75 days or more attendance during the period of 1973 to 1976. A list of badli workers was to be prepared with a view to ensure that badli loaders are deployed when the work is available. In order to attract the circular dated 4-8-80 it was necessary that a delisted casual wagon loader must have put in 75 days or more attendance during the period 1973 to 1976 and if the delisted casual wagon loaders had 75 days of attendance they were to be employed as Badli loaders. So far 75 days of attendance of the concerned lady is concerned we have evidence of the concerned lady WW-1. She is supported by WW-2 Jaedish Rabidas who was also working as casual wagon loader since the time of the erstwhile management. WW-2 has stated that the concerned lady was working along with him and he has also identified her photograph on Ext. W-1. Ext. W-3 is a certificate to show that the concerned lady was working as a wagon loader at Kessurgarh Colliery during the period October 1972 to 1976 and that she was removed from service in 1976 as she was a casual wagon loader. In his cross-examination

he has stated that he was employed as a casual wagon loader in 1980. He does not know about the circular of 1980. WW-3 Shri P. N. Singh was working as an Overman in the quarry at Kessurgarh Colliery during the year 1975-76. He had seen the concerned lady working as Over Burden Remover in the quarry at Kessurgarh Colliery in 1975-76 and he had also signed on the certificate Ext. W-3 and his signature is specifically marked as Ext. W-2. The management did not cross-examine this witness. WW-4 Satyanarayan Pandey was working as Attendance clerk in Kessurgarh Colliery and he was maintaining the attendance of wagon loaders. He has identified the concerned lady and has stated that she used to work as casual wagon loader and he had maintained her attendance from March 1973 to December 1973. It appears that thereafter he was maintaining attendance of another incline and as such he was unable to say about the attendance of the concerned lady. He has stated that he had also signed on the certificate Ext. W-3. In his cross-examination he has stated that the wagons were not placed regularly for loading of coal and placement of wagons were irregular and at intervals and when there was requirement of more wagon loaders the casual wagon loaders were called for loading of coal. According to him there were some listed casual wagon loaders and there were some unlisted casual wagon loaders and the casual wagon loaders used to get identity card and they used to be made permanent after completion of 240 days of attendance in a year. The delisted casual wagon loaders were completely stopped as there was no requirement. The management has not examined any witness to show that the concerned lady had not worked as a casual wagon loader in Kessurgarh colliery. The management did not produce any paper to show that the concerned lady had not worked as casual wagon loader in Kessurgarh Colliery on the plea that those papers were not available. The evidence of the workmen on the other hand is positive to show that the concerned lady had worked as casual wagon loader from 1972 to 1976. As there is no evidence adduced on behalf of the management denying 75 days of attendance of the concerned lady between the year 1973 to 1976 and there is positive evidence of the witness examined on behalf of the workmen that the concerned lady had worked for more than 75 days during the year 1973 to 1976, I hold that the concerned lady had put in more than 75 days of attendance as casual wagon loaders in Kessurgarh Colliery during the year 1973 to 1976.

The next question to be determined in this case is whether the concerned lady could get advantage of the circular Ext. M-1. As I have analysed Ext. M-1 details above it will appear that the delisted casual wagon loaders completing 75 days of attendance during the period 1973 to 1976 were to be employed, as a badli loader for the deployment in place of permanent miners/loaders temporarily absenting for some reason. The circular Ext. M-1 does not show that the employment of the badli loaders, under the circular Ext. M-1 was to be made as a casual wagon loader and as such I do not think that the circular can be taken advantage by any delisted casual wagon loader for being deployed as casual wagon loader. The Mines Act and its provision prohibit the engagement of a lady for working in the underground. The work of Miners/loaders is confined to the underground

mine and as such a lady workman cannot be deployed as a miner/loader in the Mines. The concerned lady being a woman, therefore, cannot take advantage of the circular for being listed as a badli loader for deployment in the absence of permanent miners/loaders. MW-1 Shri Kulwant Singh is working as Agent of Kessurgarh Colliery since September, 1980. He has clearly stated that after the circular dated 4-8-80 no female workman was taken as badli miner/loader and that no female worker can be employed as miner/loader. In cross-examination he has no doubt stated that there was no bar of female being employed in the quarries but there is no manual quarry in Kessurgarh colliery. Thus the evidence of MW-1 also shows that the concerned lady could not be taken as a badli loader in accordance with the circular dated 4-8-80.

Thus taking the entire matter into consideration, I hold that the concerned lady cannot have advantage of the circular dated 4-8-80 and that she cannot claim employment in accordance with the said circular.

In the result, I hold that the demand of Janta Mazdoor Sangh that the management of Kessurgarh Colliery of M/s. B.C.C. Ltd. should provide employment to the concerned lady Smt. Chandeshwari Devi in accordance with the BCCL circular dated 4-8-80 is not justified and the concerned lady is entitled to no relief.

This is my Award.
Dated 23-7-86

I. N. SINHA, Presiding Officer
[No. L-20012/65/85-D.III.A]
A. V. S. SARMA, Desk Officer

मई दिल्ली, 7 अगस्त, 1986

का. पा. 2974.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुमति में, केन्द्रीय सरकार, बैंस्टन कॉल कॉलिंग नियमिंग की राष्ट्रीय कॉलरी, कामन एविंग जिन डिविडाइ (प.प.) के प्रबंधन से सम्बद्ध नियोजकों और उनके कमेकारों के बीच, प्रगति में निरिट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक धर्मिकरण जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-7-86 को प्राप्त हुआ था।

New Delhi, the 7th August, 1986

S.O. 2974.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Rakhikol Colliery of Western Coalfields Limited Kanhan Area, Distt. Chhindwara (M.P.) and their workmen, which was received by the Central Government on the 30th July, 1986.

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC/(R)(30)1982

PARTIES :

Employers in relation to the management of M/s. Rakhikol Colliery of Western Coalfields Limited, Kanhan Area, Post Office Dungaria, District Chhindwara (M.P.) and their workmen S/o Shri P. S. Bhattacharya, Assistant Surveyor, K. L. Malviya, Clerk and Gaffar Khan, Lamp Issuer and S/o Shri Narayan Driller and Sheopujan, Tub-loader represented through the General Secretary, M.P. Khadani

Mazdoor Union (Laljbanda) Head Office Gudi Ambara, Post Office Ambara, Distt. Chhindwara (M.P.).

APPEARANCES :

For Union—Shri B. D. Gupta, Advocate.

For Management—Shri P. S. Nair, Advocate.

INDUSTRY : Coal.

DISTRICT : Chhindwara (M.P.)

AWARD

Dated July 23, 1986

This a reference made by the Central Government vide Notification No. L-22012(19)81-D.IV(D) Dated 22-4-1982 to this Tribunal for adjudication of an industrial dispute between the workmen and the management of Rakhikol Colliery of M/s. Western Coalfields Ltd. Kanhan Area, district Chhindwara.

2. Non-controversial facts of the case are that Shri P. S. Bhattacharya, Assistant Surveyor, Shri K. L. Malviya, Clerk, Shri Gaffar Khan, Lamp Issuer, Shri Narayan Driller and Shri Sheopujan, Tub-loader were employed in the Rakhikol Colliery of Western Coalfields Limited, Kanhan Area. There were certain demands of the workmen regarding drinking water, street light and housing etc. The workers of the Colliery went on strike from 16-4-1979 to 28-4-1979. The allegation of the management was that during strike they blocked the road, paralysed the transport of coal and material and threatened the willing workers from going on duty. Since necessary notice of 14 days as required under the Industrial Disputes Act was not given, Assistant Labour Commissioner (Central) Chhindwara issued a show cause notice why action should not be taken. The management also obtained an adinterim injunction from the Civil Court, Chhindwara. The matter was reported to the police. These workmen and some others were prosecuted by police for an offence under Sec. 341/34 I.P.C. However they were acquitted by the Trial Court.

3. The management charge-sheeted only certain of the workmen belonging to Lal Jhanda Union. Charges against Shri P. S. Bhattacharya, Shri K. L. Malviya and Shri Gaffar Khan were for breach of Clause 17(1) of the Standing Orders which are as under :—

1. Causing wilful damage to work in progress or to property of the employer.
2. Any breach of the Mines Act 1952 or any other Act or any Rules, Regulations or Bye-laws thereunder or any Standing Order.
3. Preaching of or inciting to violence.

Charges against Shri Narayan and Sheopujan were under Cl. 18(1) of the Standing Orders as under :—

Stoppage of work of the Company in progress. (Kampani Ke Kam Ki Unnati Mey Rukawat Daina).

The Enquiry Officer and the Disciplinary Authority found charges proved. As such Shri P. S. Bhattacharya, Shri K. L. Malviya and Shri Gaffar Khan were dismissed from service. Shri Narayan and Shri Sheopujan were demoted. However, in the case of Sheopujan a dispute was raised and it was admitted in conciliation. After protracted discussion the following amicable settlement was arrived at on 25-1-1982 :—

Terms of Settlement

1. It is agreed by the management that Shri Sheopujan S/o Chhabilal will be taken back as Tub-loader at Mohan Colliery w.e.f. 29-1-82.
2. It is agreed by the parties that the workman or the union will not raise any dispute on this issue on any forum in future.
3. It is agreed that the union will not cite this as an example in other cases in future as this has been done to maintain better industrial relations.
4. The parties agree to submit their implementation report separately to the ALYC, Chhindwara by 10-2-1982 failing which the settlement will be deemed to have been implemented.

However, proceedings against Shri Ramdeo were dropped.

4. The workmen Shri P. S. Bhattacharya, Shri K. L. Malviya and Shri Gaffar Khan, Shri Narayan and Shri Sheopujan had raised a dispute and the Central Government by Notification dated 22-4-1982 referred the following Schedule for consideration of this Tribunal :—

"Whether the action of the management Rakhhikol Colliery of Western Coalfields Limited, Kanhan Area in dismissing S|Shri P. S. Bhattacharya, Assistant Surveyor, K. L. Malviya, Clerk and Gaffar Khan, Lamp Issuer and demoting S|Shri Narayan Driller and Sheopujan, Tub-loader is justified ? If not, to what relief the above workmen are entitled ?"

5. In the course of trial in this Tribunal learned Counsel for the parties on 29-9-1984 stated that the domestic enquiry is vitiated by various defects and the parties desired that the matter be now tried before this Tribunal. My learned predecessor accepted their admission and quashed the domestic enquiry and directed the parties to lead evidence before this Tribunal.

6. Thereafter parties have led evidence before this Tribunal. The workmen have challenged their punishment on various grounds. Management, however, tried to justify the action. I will take their appropriate contention at the proper stage.

7. My learned predecessor framed the following issues in respect of different workmen which are as under :—

ISSUES

Shri P. S. Bhattacharya:

1. Whether Shri P. S. Bhattacharya is a workman within the meaning of Sec. 2(s) of the ID. Act and has this Tribunal jurisdiction to adjudicate upon this dispute?
2. Whether the domestic enquiry held against the workman, Shri P. S. Bhattacharya was proper and valid and was held in accordance with the principles of natural justice?

(Enquiry vitiated as per admission of the parties on 29-9-1984 before this Tribunal)

3. (a) Whether the punishment awarded to the workman is not proportionate to the guilt found proved against the workman?

(b) Whether the management was justified in dismissing Shri Bhattacharya from service ?

S|Shri K. L. Malviya & Gaffar Khan :

1. Whether the domestic enquiry held against the workman S|Shri K. L. Malviya and Gaffar Khan was proper and valid and was held in accordance with the principles of natural Justice ?
(Enquiry vitiated as per admission of the parties on 29-9-1984 before this Tribunal)

2. (a) Whether the punishment awarded to the workmen is not proportionate to the guilt found proved against the workman?

(b) Whether the management was justified in dismissing Shri K. L. Malviya and Shri Gaffar Khan from Service ?

Shri Narayan :

1. Whether the domestic enquiry held against the workman Narayan, was proper and valid and was held in accordance with the principles of natural Justice ?

(Vitiated vide order dated 29-9-1984).

2. Whether the punishment of demotion awarded to the workman is proper and just ?

Shri Sheopujan :

1. Whether the dispute referred to can be adjudicated upon in respect of Sheopujan in view of the settlement arrived at during the conciliation proceedings?

2. Whether in view of the settlement arrived at before the Conciliation Officer is the workman, Sheopujan, entitled to the wages and allowances of the intervening period from the date of suspension to the date of settlement i.e from 30-6-1982 to 29-1-1982. If so, to what extent ?

Findings with reasons on merit.—

8. Issues No. 3(a) & (b) (Shri P. S. Bhattacharya) Issue No. 2(a) & (b) (S|Shri K. L. Malviya & Gaffar Khan) Issue No. 3(Shri Narayan).

Before I take up the various contention of the parties it is proper that I take up the evidence first. Burden was on the management to prove the charges before this Tribunal. In support of their case besides the various Enquiry Officers who conducted the enquiry against these workmen management examined Shri Surendra Jacob (M.W.1), Shri Keshav Rao (M.W.2), Shri Gend Lal (M.W.3), Shri Yakub Khan (M.W.4), Shri Sunder Lal (M.W. 5), Shri Diwan Chand (M.W. 6) and Shri V. S. Thakur, Asstt. Manager (M.W. 7). Excepting Shri V. S. Thakur (M.W. 7) rest of the witnesses were also examined in the domestic enquiry and they are admittedly members of rival union i.e. INTUC. On behalf of the workmen it has therefore been contended that their statements are tainted therefore they be scrutinised very minutely.

9. Surendra Jacob (M.W. 1) has stated that he was required to take the material from incline no. 31, 32 to incline no. 25, 26. There was a strike in incline no. 29 30. He started from the General Office at 10 a.m. in the month of April 1979. He was taking the baileys in the truck. Shri Narayan and S|Shri Sheonandan (Sheopujan) and others stopped him and they said that the truck cannot proceed since they are on strike. They had blocked the road. He left the vehicles there and reported to the Manager at about 4 p.m. vide Ex. M|1. In his cross examination he has admitted that he was required to take the material from incline no. 31-32 to 25-26. When they proceeded from General Office to Incline no. 29-30 the Incline no. 31-32 would fall about a kilometer before and incline no. 25-26 are in the opposite direction about a kilometer away from the General office. He has also admitted that while proceeding to from incline no. 31-32 to incline no. 25-26 then incline no. 29-30 would not fall in direct way. This goes to show that in fact he was not required to go at all to the place where road was blocked. Therefore he is telling lies about the obstruction and blockade. This is also apparent from his further admission that he does not know anything about the working in incline no. 29-30 on that date.

10. He asserts that his report was written by the Conductor, Kuber. While in the domestic enquiry he had stated that the report was written on the next date by Golsitam when Shri Rajeshwar asked him to do so. This further goes to show that he has no respect for truth and he is implicating two of the applicants Narayan and Sheopujan on account of union rivalry firstly and secondly that he admits that he was favoured by the management by transferring him from Rathikol to Datla a place of shorter distance.

11. Next witness is Keshav Rao (M.W.2). He has stated that on 16-4-1979 on receipt of information he went to the spot and found that road was blocked by logs and boulders. He asked Gend Lal to remove the same but Gend Lal was prevented by Sheopujan, Ramdeo and Narayan. The road was blocked by Ramdeo, Sheopujan and Narayan and 20 to 25 others for ten days. He has admitted like Surendra Jacob that he is a member of INTUC while these applicants belong to Jal Jhanda Union. Thus this witness is also highly interested person. In his cross-examination he has admitted that the report Ex. M2 lodged by him does not mention the name of Narayan. He had also not named him in the statement before the Enquiry Officer. He has also admitted that in his report Ex. M-2 name of Ramamuth has been scored out and instead name of Sheopujan was inserted. He has stated that blockade of road was not visible from the office of the colliery. But in his report Ex. M-2 portion marked B to B he had admitted to the contrary. He has further stated

that on the relevant date he was working as Attendance Clerk perhaps to justify his going to the spot, but he denies that he was working as Despatch Clerk. When he was confronted with his duty chart which is signed by the Manager he is shown to be working as a Despatch Clerk. It is not the duty of a Despatch Clerk to go to the spot.

12. Gend Lal (M.W-3) has also admitted that on the relevant date Keshav Rao and he found that the road was blocked about 150 yards from the office. When he tried to remove the obstruction Ramdeo, Sheopujan and Narayan did not allow him to remove the blockade of boulders. Sheopujan caught his hand and told him not to remove the blockade of boulders. In his cross-examination he has admitted that he had not named Narayan in his domestic enquiry statement. I thus find that at least two of these witnesses had not named Narayan and he is being implicated falsely. It appears that name of Sheopujan was also subsequently added. This witness has made a fatal admission. According to him, he was told that he must try to say what he had stated earlier in the departmental enquiry. Thus this witness is not only a liar but he is also a tutored witness.

13. MW-4 Yakub Khan has stated that in April 1979, he was working in Incline No. 29-30. About 25 yards from the Lamp Room road was blocked by Sheopujan, Ramdeo and others. Narayan and Srivastava were preventing the workers from going on duty. Banshi, Rashid and Ishwar Singh were preventing the workers. It is pertinent to note that none of these last mentioned person have been dealt with departmentally and in fact domestic enquiry against Ramdeo was dropped and the matter was compromised with Sheopujan. Thus there is discrimination. This witness is also highly interested witness being a member of INTUC and he was promoted after his departmental enquiry. In his cross-examination this witness has stated that report Ex. M-3 was lodged by him 2-3 days after the incident and the management had endorsed it. This report Ex. M-3 neither bears any date nor there is any endorsement of the management. He states that on that date he was not working as a Turner who was required to work in the Workshop. But he was confronted with his duty chart document Ex. W-1 and Ex. W-2 where he was shown to be working as Turner. This shows that in order to show his presence on the scene of occurrence he is falsely stating that he was not working as a Turner who is required to work in the workshop.

14. The President of the INTUC Union, Shri Sunder Lal (M.W-5) has stated that in April 1979 he was on duty in Rakholi Colliery when Bhattacharya, Narayan, Gaffar, Malviya, Sheopujan and others had blocked the road by hoisting Red Flag. They were preventing people from going on duty with sticks in their hands. He reported the matter vide Ex. M-4. This witness is also a highly interested witness and he has been favoured by transfer of his son to a convenient posting. In his cross-examination he has admitted that in his report Ex. M-4 he has not mentioned that he had been prevented from going to the mine. In his cross-examination he has admitted that he was not there so he cannot say who had gone to work and who had not. This goes to show that he was not on the spot. He is only siding the management. In his cross-examination he has further admitted that he was told in the colliery what he had to depose. This goes to show that he is a tutored witness.

15. Next witness is Divan Chand (M.W.6). He has stated that in April 1979 there was strike in Incline No. 29-30. On 16-4-1979 Narayan, Bhattacharya, Gaffar, Malviya, Ramdeo and Sheopujan had placed logs and boulders on the road and they were stopping workers from going to their duties. This witness has also admitted that was the Despatch Clerk on that date. He is also a highly interested witness since he is a member of INTUC and he was promoted after he gave the statement in the departmental enquiry. In his cross examination he has admitted that he had not mentioned the names of any person in the statement before the Enquiry Officer. He had also not given any complaint in writing. Thus from his statement participation of these workmen in the blockade or stoppage of work is not proved.

16. Lastly is the statement of Shri V. S. Thakur, Asst. Manager of Rakholi Colliery who was not examined in the

departmental enquiry. Thus his evidence appears to be an after thought in order to fill up the lacuna. He has stated that on 17th April 1979 at about 9 a.m. he had gone to mines about 5 Kms. away and found that the road was blocked by putting logs, stones and red flag, but nobody was present there. He asked his Assistant Shri Gend Lal to make enquiry. He came there and reported that some miscreants have assembled at the back of the building who have created the blockade and they are stopping the transport of the coal. This goes to show that he had not seen any particular person blocking the road or obstructing the workers. He has further stated that along with Shri Ghosh he went to the other mine. There he met Mr. Narayan, the then President of the red flag union who told him that this makes the management to hear their demand. The police and security force were called. They tried to remove the obstruction but Shri Narayan, Gaffar, Rashid, Ramdeo and Bindeshwari obstructed them. In his cross-examination he has stated that about 25 persons had obstructed the police. It is pertinent to note that these 25 persons including Rashid, Ramdeo and Bindeshwari were not dealt departmentally.

17. Some of his admissions in his cross-examination are pertinent. He has admitted that charges against Ramdeo were dropped but he cannot say whether they were dropped because he has changed union but he continued to work while others were dismissed. He admitted the domestic enquiry papers of Ramdeo Ex. W/7 to Ex. W/10. He has also admitted that he came to know that Ramdeo had left the Red Flag joined the INTUC.

18. From the above evidence I find that Surendra Jacob (M.W. 1), Keshav Rao (M.W. 2), Gend Lal (M.W.3), Yakub Khan (M.W. 4) had named only certain workmen viz. Narayan, Sheopujan and Ramdeo (Proceeding against Ramdeo were dropped) and Sheopujan case was compromised and Narayan was not named earlier by them. So their statement also become worthless. I also find that these workmen were kept suspended for number of months without completing the domestic enquiry which is contrary to the provisions of the Standing Orders. This and the evidence discussed above goes to show that they have been victimised and discriminated. Most of the workers who had gone on strike were left off and proceedings against some were dropped and compromised. Only chosen few have been dealt with and punished departmentally. Even they have been acquitted by the criminal Court on part of the charges. I also find that the charges are vague and no specific date time & individual acts have been mentioned.

18a. On behalf of the workmen Ishwar Singh (W.W. 2), Radhey Lal (W.W. 3), Bidhu (W.W. 4), Rishram (W.W. 5), P. S. Bhattacharya (W.W. 6), Gaffar Khan (W.W. 7), K. L. Malviya (W.W. 8) and Narayan (W.W. 9) are examined.

19. Ishwar Singh (W.W. 2) had stated that he joined the strike of his own. Nobody pursued him. Same is the statement of Raja Ram (W.W. 5). Ishwar Singh (W.W. 2) has admitted that he had given the statement in the District Court, Chhindwara on behalf of the Union. Management has also filed and relied certified copy of the injunction order of the Civil Court. Simply because Civil Court has issued an injunction it does not prove the participation in the strike by the present workmen. Statement of Radhey Lal (W.W. 2) and Raja Ram (W.W. 5) have been challenged on the ground that they were not examined in the enquiry. What he has stated is that though there was strike but he worked during that period. Nobody obstructed him. It is not the case of the management that all the workmen had participated in the strike.

20. Bidhu (W.W. 4) has stated that he had seen Narayan about 5 Kms. away from the mines on 16-4-1979. This statement to my mind is neither for or against him.

21. Four workmen examined have stated that the management has examined the members of INTUC only. Members of the Lal Jhanda Union were alone victimised Ramdeo on the advice of the management joined the INTUC Union. Therefore charges against him were dropped. They refused to join hence they were punished. They have also stated that they were on peaceful strike because the Manager has

refused to concede their demands. They did not damage any property or committed violation of any law.

22. The fact that they were victimised and discriminated, as I have already held, is proved from the management's evidence itself. They may not have taken this stand in the course of the domestic enquiry so as to not further antagonise the management.

23. For the reasons discussed above I find that the charges against the workmen are not proved and their dismissal and demotion is not justified.

24. Issue No. 1 (Relating to Shri P. S. Bhattacharya)

On behalf of the management it has been contended that Bhattacharya was Assistant Surveyor therefore he is not a workmen within the meaning of Sec. 2(s) of the I. D. Act. But no evidence is led to prove nature of his work for the purpose of this contention. Hence this issue is decided against the management.

25. Issue No. 1 & 2 (Relating to Shri Sheopujan)

Admittedly case against Sheopujan was compromised perhaps before this reference was made on 22-4-1982. In this connection clause of the settlement reproduced below is pertinent :—

"1. It is agreed by the management that Shri Sheopujan & So Chabilal will be taken back as tub loader at Mohan Colliery w.e.f. 29-1-82.

2. It is agreed by the parties that the workman or the union will not raise any dispute on this on any forum in future."

In view of this settlement the reference becomes infructuous and the workman, Sheopujan, cannot raise any dispute and demand wages and allowances for the period of suspension. In fact in view of this settlement he cannot claim any back wages also. I hold and decide the issues accordingly.

26. In view of my findings above I answer the reference as under :—

That the action of the management of Rakhikol Colliery of Western Coalfields Limited, Kanhan Area in dismissing S|Shri P. S. Bhattacharya, Assistant Surveyor, K. L. Malviya, Clerk and Gaffar Khan Lamp Issuer and demoting Shri Narayan Driller is not justified.

27. On the question of their reinstatement management has contended that looking to the act of these workmen the management has lost confidence on them. Therefore they should not be reinstated. I find that firstly charges levelled against them are not proved. Secondly the management has led no further evidence to prove that if they are reinstated they will disturb the industrial peace. Thirdly the management has already taken back in service Shri Sheopujan and did not proceed in the domestic enquiry some of the workmen against whom allegations were the same as against these workmen. I am therefore of the view that plea of loss of confidence is without basis and that they are entitled to reinstatement.

28. As far as the case of Sheopujan, tub-loader, is concerned he has been reappointed in view of the settlement. Therefore his case will be governed by the settlement.

29. Question now remains as to what relief these workmen are entitled. I have already discussed the case of Sheopujan and he has been already reappointed and in view of the settlement he is not entitled to back wages or wages and allowance for the suspension period.

30. As far as S|Shri P. B. Bhattacharya, K. L. Malviya and Gaffar Khan is concerned, their dismissal is set aside and they are directed to be reinstated from the date of their dismissal i.e. 30-6-1981. Similarly the demotion order of Shri Narayan is hereby set aside and he be reinstated on his original post of Driller with effect from the date of demotion.

31. It is accordingly ordered that the workman S|Shri P. S. Bhattacharya, Assistant Surveyor, K. L. Malviya, Clerk and Gaffar Khan Lamp Issuer shall be reinstated on their original post with effect from 30-6-1981 and they shall be entitled to back wages and all other ancillary benefits with effect from that date. Shri Narayan Driller shall be reinstated on his original post with effect from 29-6-1981, i.e. the date of demotion and he shall also be entitled to the wages of Driller from that date with all other ancillary benefits. The management shall further pay Rs. 1000/- as costs to the Union which sponsored this dispute.

DL 23-7-86

V. S. YADAV, Presiding Officer
[No. L-22012/19/81-D.IV.(B)]
V. K. SHARMA, Desk Officer

